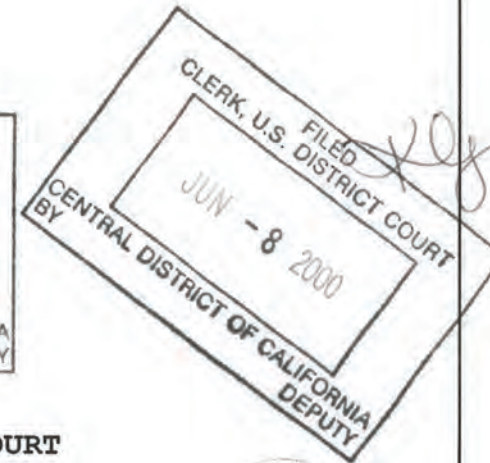
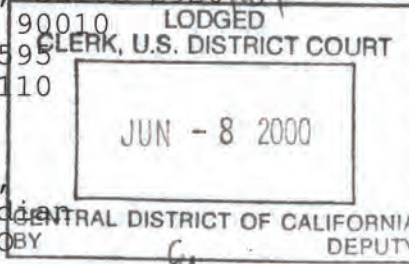


# **EXHIBIT 7**

GREGORY W. SMITH (SBN 134385)  
PAMELA L. COX (SBN 191883)

**PARK, SMITH & LIM, LLP**

3435 Wilshire Boulevard, Suite 2920  
Los Angeles, California 90010  
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Attorneys for Plaintiff  
JOSEPH TENORIO, a minor,  
by and through his Guardian  
ad Litem, MARIE SANTIAGO

**UNITED STATES DISTRICT COURT**

**FOR THE CENTRAL DISTRICT OF CALIFORNIA**

JOSEPH TENORIO, a minor, by and  
through his Guardian ad Litem,  
MARIE SANTIAGO,

Plaintiff,

v.

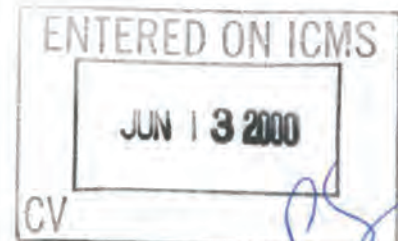
CITY OF LOS ANGELES, a municipal  
corporation, BERNARD PARKS, an  
individual, WILLIE WILLIAMS, an  
individual, DAVID VINTON, an  
individual, NICK SALICOS, an  
individual, RICHARD MERAZ, an  
individual and DOES 1 through 10,  
inclusive,

Defendants.

CASE NO. 00-06177

**COMPLAINT FOR PERSONAL INJURIES**

- 1) VIOLATION OF THE 4<sup>TH</sup> AND  
14<sup>TH</sup> AMENDMENTS OF THE  
U.S. CONSTITUTION  
(42 U.S.C. Section 1983)



Plaintiff JOSEPH TENORIO, a minor, by and through his Guardian  
ad Litem, MARIE SANTIAGO for a complaint against defendants, and each  
of them, complains and alleges as follows:

1. Plaintiff JOSEPH TENORIO, a minor, ("Plaintiff") is, and at  
all times mentioned herein was an individual residing in the City of  
Los Angeles, County of Los Angeles, State of California.

2. Plaintiff is informed and believes and based upon such



1 information and belief alleges that defendant CITY OF LOS ANGELES  
2 ("City") is a municipal corporation duly organized and existing under  
3 the laws of the State of California. The Los Angeles Police  
4 Department ("LAPD") is an agency of defendant City and all actions of  
5 the LAPD are the legal responsibility of defendant City. Defendant  
6 City is sued in its own right and on the basis of respondeat superior.

7 3. Plaintiff is informed and believes and based upon such  
8 information and belief alleges that defendant BERNARD PARKS ("Parks")  
9 is the Chief of the LAPD, and at all times relevant to this suit was  
10 Chief of Police. Upon information and belief, Plaintiff further  
11 alleges that at all times relevant herein, defendant Parks approved,  
12 and/or ratified the unconstitutional or illegal acts complained of  
13 herein. Defendant Parks is sued in both his official and personal  
14 capacities.

15 4. Plaintiff is informed and believes and based upon such  
16 information and belief alleges that defendant WILLIE WILLIAMS  
17 ("Williams") was the Chief of the LAPD, and at all times relevant to  
18 this suit was Chief of Police. Upon information and belief, Plaintiff  
19 further alleges that at all times relevant herein, defendant Williams  
20 approved, and/or ratified the unconstitutional or illegal acts  
21 complained of herein. Defendant Williams is sued in his personal  
22 capacity.

23 5. Defendants City of Los Angeles and DOES 1 through 10 are  
24 alleged to have maintained or permitted an official policy, custom and  
25 practice causing or permitting the occurrence of the types of wrongs  
26 set forth herein below knowingly and with deliberate indifference and  
27 reckless disregard and, based on the principles set forth in *Monell*  
28 *v. New York City Department of Social Services*, 436 U.S. 658, 98 S.



1 Ct. 2018, 56 L.Ed.2d 611 (1978), are liable for all injuries sustained  
2 by any Plaintiff as set forth herein below.

3 6. Plaintiff is informed and believes and based upon such  
4 information and belief alleges that defendant DAVID VINTON ("Vinton")  
5 at all times herein was employed by the City of Los Angeles as a  
6 police officer. At all times relevant herein, defendant Vinton acted  
7 within the course and scope of his employment. Defendant Vinton is  
8 sued both in his official and personal capacities.

9 7. Plaintiff is informed and believes and based upon such  
10 information and belief alleges that defendant NICK SALICOS ("Salicos")  
11 at all times herein was employed by the City of Los Angeles as a  
12 captain of the LAPD. At all times relevant herein, defendant Salicos  
13 acted within the course and scope of his employment, and approved  
14 and/or ratified the unconstitutional conduct or illegal acts  
15 complained of herein. Defendant Salicos is sued both in his official  
16 and personal capacities.

17 8. Plaintiff is informed and believes and based upon such  
18 information and belief alleges that defendant RICHARD MERAZ ("Meraz")  
19 at all times herein was employed by the City of Los Angeles as a  
20 captain of the LAPD. At all times relevant herein, defendant Meraz  
21 acted within the course and scope of his employment, and approved  
22 and/or ratified the unconstitutional conduct or illegal acts  
23 complained of herein. Defendant Meraz is sued both in his official  
24 and personal capacities.

25 9. Plaintiff is ignorant of the true names and capacities of  
26 defendants sued herein as Does 1 through 10, inclusive, and therefore  
27 sues said defendants by fictitious names. Plaintiff will seek leave  
28 of Court to amend this complaint to allege their true names and



1 capacities when they are ascertained. Plaintiff is further informed  
2 and believes and thereupon alleges that each of the fictitiously named  
3 defendants was responsible in some manner for the occurrences herein  
4 alleged, and that Plaintiff's injuries as herein alleged were  
5 proximately caused by said defendants.

6 10. Plaintiff is informed and believes and based upon such  
7 information and belief alleges that at all times relevant herein, each  
8 of the defendants were agents, employees and/or joint venturers of  
9 his/her co-defendants and was acting within the course and scope of  
10 such agency, employment and/or joint venture.

11 11. On or about August 11, 1998, when he was approximately  
12 sixteen (16) years old, plaintiff was on Alexandria and 4<sup>th</sup> streets  
13 returning home from purchasing a fan for his mother. Plaintiff was  
14 dressed in a pair of black and white Polo pants with a white t-shirt.  
15 Plaintiff was not dressed in gang attire. Two Crash officers  
16 approached plaintiff and asked him "Whats up?" Plaintiff was ordered  
17 to turn against a wall with his back towards the officers.

18 12. Plaintiff's mother approached and asked Officer Vinton why  
19 they were harassing her son. Officer Vinton pointed his finger at  
20 plaintiff's mother and told her to shut up. Plaintiff told officer  
21 Vinton not to talk to his mother in that manner. Officer Vinton then  
22 replied "Oh you, want to talk too." Officer Vinton then handcuffed  
23 plaintiff, grabbed plaintiff's jaw and slammed his body against the  
24 wall.

25 13. Plaintiff was then arrested and told by Vinton that he was  
26 going to jail for violating his probation. On the way to the police  
27 station, Vinton said: "We aren't taking you because you did anything  
28 wrong, we are taking you because your mom likes to talk a lot of



1 shit." Officer Vinton then asked plaintiff he would give Vinton  
2 information and in return plaintiff would be released. Plaintiff had  
3 no information to give officer Vinton and he was subsequently arrested  
4 for violating curfew, wearing gang attire and associating with gang  
5 members.

6 14. Plaintiff was not wearing gang attire, was not associating  
7 with any gang members and was not in violation of curfew.

8 15. As a result of officer Vinton's perjured testimony,  
9 plaintiff was found guilty of violating his terms of probation and was  
10 wrongfully caused to spend thirteen months incarcerated in St. Johns  
11 School for Boys.

12 16. Plaintiff is informed and believes and thereon alleges that  
13 City, Parks, Williams, Salicos, Meraz and Does, despite having  
14 knowledge of defendant Vinton's wrongful conduct, have taken no  
15 remedial or corrective action, thereby ratifying his wrongful,  
16 unconstitutional and illegal actions against Plaintiff.

17 17. Further, Plaintiff is informed and believes defendants,  
18 and each of them, knowingly or with reckless disregard deprived  
19 plaintiff of the rights and liberties secured to him by the Fourth and  
20 Fourteenth Amendments of the Constitution of United States, in that  
21 said defendants, and each of them, who are supervising and managerial  
22 employees, agents and representatives of the City of Los Angeles and  
23 the Los Angeles Police Department, who have the authority to institute  
24 policy and procedure, acting with gross negligence and with reckless  
25 indifference to the rights and liberties to the public in general, and  
26 to plaintiff and persons of his class, knowingly maintained, enforced  
27 and applied a policy and practice of (1) employing and retaining  
28 police officers who defendants at all times material herein knew or



1 reasonably should have known had dangerous propensities for abusing  
2 their authority and for using excessive force and violence; and (2)  
3 inadequately supervising, training, controlling, assigning and  
4 disciplining officers, who said defendants knew, or with reasonable  
5 care should have known, had the aforementioned described propensities  
6 and character traits; and (3) maintaining grossly inadequate  
7 procedures for reporting, supervising, investigating, reviewing,  
8 disciplining and controlling the use of force and other illegal  
9 activities of officers; and (4) that said defendants condoned,  
10 participated in, fostered and encouraged a pattern and practice of  
11 illegal acts of the officers as herein described through their  
12 official positions which resulted in injury to plaintiff.

13 18. In failing to take remedial or corrective measures with  
14 respect to the wrongful conduct of defendant Vinton, defendant City  
15 and defendants Parks and Williams have exhibited and continue to  
16 exhibit deliberate indifference and/or reckless disregard and/or gross  
17 negligence to the constitutional rights of Plaintiff.

18  
19 **FIRST CAUSE OF ACTION**

20 **(Violation of 4<sup>th</sup> and 14<sup>th</sup> Amendment of the U.S. Constitution Against**  
21 **All Defendants)**

22 19. Plaintiff here alleges and incorporates by reference as  
23 if fully set forth herein paragraphs 1 through 18.

24 20. The conduct of each defendant violated Plaintiff's right  
25 to be secure in home, person, and effects against unreasonable  
26 searches and seizures and detention and not to be subjected to the  
27 use of excessive or unreasonable force, as guaranteed by the Fourth  
28 and Fourteenth Amendment to the United States Constitution, and



1 entitles Plaintiff to bring suit and recover damages pursuant to 42  
2 U.S.C. Section 1983. The conduct of the defendants which violated  
3 Plaintiff's rights included a conspiracy by one or more of the  
4 defendants to violate Plaintiff's Fourth and Fourteenth Amendment  
5 rights.

6 21. The conduct of each defendant violated the rights of  
7 Plaintiff to be secure from deprivations of life, liberty or  
8 property without due process of law, and not to be deprived of  
9 necessary medical care as guaranteed by the Fourteenth Amendment.  
10 The conduct of the defendants which violated Plaintiff's rights  
11 included a conspiracy by one or more of the defendants to violate  
12 Plaintiff's rights.

13 22. As a direct and proximate result of the wrongful,  
14 malicious and violent acts of defendants, Plaintiff suffered  
15 physical and mental injuries and was injured in his health,  
16 strength and activity, and suffered anxiety, humiliation and  
17 emotional distress, in an amount according to proof at trial.

18 23. By reason of the aforementioned acts and omissions of  
19 defendants, Plaintiff has incurred medical and related expenses,  
20 lost earnings, and other special and general damages, in an amount  
21 according to proof at trial.

22 24. All acts or omissions alleged to have been engaged in by  
23 any defendant herein are alleged to have been engaged in with  
24 intent to injure Plaintiff and/or with a willful and conscious  
25 disregard for the rights and safety of Plaintiff, and were  
26 fraudulent, malicious or oppressive, entitling Plaintiff to recover  
27 punitive damages from defendants other than defendant City.

28



1       **WHEREFORE**, Plaintiff seeks judgment as follows:

2       **FOR THE FIRST CAUSE OF ACTION:**

- 3       a.   Compensatory general and special damages in an amount in  
4           accordance with proof;  
5       b.   Punitive damages;  
6       c.   Costs of this suit;  
7       d.   Attorneys fees; and  
8       e.   Such other relief as the Court finds just and proper.

9  
10      Dated: June 7, 2000

PARK, SMITH & LIM, LLP

11  
12      By: 

13      GREGORY W. SMITH  
14      Attorneys for Plaintiff  
15      JOSEPH TENORIO, a minor,  
16      by and through his Guardian  
17      ad Litem, MARIE SANTIAGO

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(AJWx),**CLOSED**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)  
CIVIL DOCKET FOR CASE #: 2:00-cv-06177-GAF-AJWX**

Joseph Tenorio v. Los Angeles City of, et al  
Assigned to: Judge Gary A. Feess  
Referred to: Discovery Andrew J. Wistrich  
Demand: \$0  
Related Case: [2:00-cv-00065-GAF-AJW](#)  
Cause: 42:1983 Civil Rights Act

Date Filed: 06/08/2000  
Date Terminated: 12/18/2000  
Jury Demand: Both  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Joseph Tenorio**  
*a minor by and through his Guardian ad  
Litem, Marie Santiago*

represented by **Gregory W Smith**  
Law Offices of Gregory W. Smith, LLP  
9100 Wilshire Boulevard, Suite 725E  
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Fax: 310-777-7895  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Pamela L Cox**  
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818-501-3800  
Email: [pcox@hemar-rousso.com](mailto:pcox@hemar-rousso.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**City of Los Angeles**  
*a municipal corporation*

represented by **Cecil W Marr**  
Los Angeles City Attorney's Office  
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Los Angeles, CA 90051-0100  
213-367-4650  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Deborah J Breithaupt**  
Los Angeles City Attorney Office  
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Fax: 213-978-7957  
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*LEAD ATTORNEY*  
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**Paul N Paquette**  
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213-367-4591  
Fax: 213-367-4588  
Email: [paul.paquette@ladwp.com](mailto:paul.paquette@ladwp.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Bernard Parks**  
*an individual*

represented by **Cecil W Marr**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Deborah J Breithaupt**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Paul N Paquette**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Willie Williams**  
*an individual*

represented by **Cecil W Marr**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Deborah J Breithaupt**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Paul N Paquette**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**David Vinton**  
*an individual*

represented by **Cecil W Marr**  
(See above for address)  
*LEAD ATTORNEY*



ATTORNEY TO BE NOTICED

**Deborah J Breithaupt**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Paul N Paquette**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Defendant**

**Nick Salicos**  
*an individual*

represented by **Cecil W Marr**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Deborah J Breithaupt**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Paul N Paquette**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Defendant**

**Richard Meraz**  
*an individual*

represented by **Cecil W Marr**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Paul N Paquette**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Defendant**

**Does**  
*1 through 10, inclusive*

Date Filed	#	Docket Text
06/08/2000	1	COMPLAINT filed Summons(es) Issued referred to Discovery Andrew J. Wistrich (pc) (Entered: 06/13/2000)
06/08/2000	2	NOTICE OF INTERESTED PARTIES filed by plaintiff Joseph Tenorio (bp) (Entered: 06/14/2000)
06/08/2000	3	PETITION & ORDER appointing Marie Santiago as guardian ad litem for petitioner by Discovery Brian Q. Robbins (bp) (Entered: 06/14/2000)

06/08/2000	4	NOTICE by plaintiff Joseph Tenorio of related case(s) CV 00-65 DDP (JWJx) (kc) (Entered: 07/07/2000)
06/30/2000	7	Proof of service of S/C executed upon defendant Bernard Parks, an individual by srving Lisa Romero, person in charge on 6/19/00 and by mail on 6/22/00 (el) (Entered: 07/12/2000)
06/30/2000	8	Proof of service of S/C executed upon defendant David - Vinton, personally srvd on Sylvia Barron, person in charge on 6/19/00 and by mail on 6/22/00 (el) (Entered: 07/12/2000)
06/30/2000	9	Proof of service of S/C executed upon defendant Los Angeles City of, a municipal corp personally srvd on Gloria Pinon, auth agent for svc of process on 6/19/00 (el) (Entered: 07/12/2000)
07/07/2000	<a href="#">5</a>	ORDER RE TRANSFER PURSUANT TO GENERAL ORDER 224 (Related Case) filed. [ Related Case no.: CV 00-65 DDP (JWJx)] Case transferred from Judge Harry L. Hupp to Judge Dean D. Pregerson for all further proceedings. , Case referred from Discovery Andrew J. Wistrich to Discovery Jeffrey W. Johnson . The case number will now reflect the initials of the transferee Judge [ CV 00-6177 DDP (JWJx)] (cc: all counsel) (seal) (Entered: 07/07/2000)
07/07/2000	6	PROOF OF SERVICE by plaintiff Joseph Tenorio on 6/22/00 for Willie Williams, an individual (ks) (Entered: 07/10/2000)
07/14/2000	10	ANSWER filed by defendant Los Angeles City of, defendant Willie Williams to complaint [1-1]; jury demand (bp) (Entered: 07/17/2000)
07/14/2000	11	CERTIFICATE OF INTERESTED PARTIES filed by defendant Los Angeles City of, defendant Willie Williams (bp) (Entered: 07/17/2000)
07/20/2000	15	CERTIFICATE OF INTERESTED PARTIES filed by defendants' Los Angeles City, Bernard Parks, Willie Williams, & David Vinton (bp) (Entered: 08/02/2000)
07/20/2000	16	ANSWER filed by defendants' Los Angeles City, Bernard Parks, Willie Williams, David Vinton to first amd complaint [1-1]; jury demand (bp) (Entered: 08/02/2000)
07/27/2000	12	NOTICE OF INTERESTED PARTIES filed by plaintiff Joseph Tenorio (el) (Entered: 07/28/2000)
07/27/2000	13	DEMAND for jury trial by plaintiff Joseph Tenorio (el) (Entered: 07/28/2000)
07/28/2000	<a href="#">14</a>	STANDING ORDER by Judge Dean D. Pregerson (el) (Entered: 07/31/2000)
08/02/2000	17	PROOF OF SERVICE executed upon defendant Richard Meraz, an individual on 7/25/00 by personally delivering S/C to Lt. B Biersborn #23192 Auth Agent for Svc of Proc (see doc for fur details) (mch) (Entered: 08/03/2000)
08/02/2000	18	PROOF OF SERVICE executed upon defendant Nick Salicos, an individual on 7/25/00 by personally delivering S/C to B. Ellison #24783 Auth Agent for Svc of Proc (see doc for fur details) (mch) (Entered: 08/03/2000)
08/24/2000	19	CERTIFICATE OF INTERESTED PARTIES filed by defendant Nick Salicos (bp) (Entered: 08/25/2000)
08/24/2000	20	ANSWER filed by defendant Nick Salicos to complaint [1-1]; jury demand (bp) (Entered: 08/25/2000)
09/05/2000	<a href="#">21</a>	ORDER TO REASSIGN CASE PURSUANT To Section 5.1/5.6 of General Order 224 by Judge Terry J. Hatter, Jr., Chief US District Judge & Judge Lourdes G. Baird , Chair of the Related Case Assignment Committee. Reassigning all related cases commonly referred to as the "Rampart Division Cases" to Judge Gary A. Feess to hear all proceedings through

		pretrial or for as long as the Judge deems appropriate. Any disc matters will be referred to Discovery Andrew J. Wistrich . The case number will now reflect the initials of the transferee Judge [ CV 00-6177 GAF (AJWx)] [ Related Group Ctrl No.: CV 99-11629 GAF (AJWx)] (cc: all counsel) (rn) (Entered: 09/06/2000)
09/12/2000	<a href="#">22</a>	MINUTES: Attached hereto is a list of cases that have been reassigned to this crt. As part of the crt's effort to develop an organized, efficient approach to the handling of these cases, the crt is ordering the Los Angeles City Attorney's Office to provide the crt with the following information by Judge Gary A. Feess CR: N/A (see doc for details) (bp) (Entered: 09/13/2000)
09/24/2000	<a href="#">23</a>	MINUTES: (IN CHAMBERS) From this point forward in each case in which dft City of Los Angeles arranges for the retention of sep cnsl for individual police officers, the City Attys Ofc is to notify the Crt forthwith; this info is to be provided to the Crt in pleading format NLT 10/6/00 IT IS SO ORD by Judge Gary A. Feess CR: Not Present (rrey) (Entered: 09/25/2000)
09/27/2000	<a href="#">25</a>	MINUTES: (In Chambers) Re Plf Raul Rodriguez Jr's req to the Crt to lift its stay for the purpose of permitting him to move for P/I; The Crt believes that such actn would be ill-advised; Acc the Crt declines at this time to lift its stay (See doc for fur details) IT IS SO ORD by Judge Gary A. Feess CR: None Present (PSEND) (ir) (Entered: 10/04/2000)
09/29/2000	24	RESPONSE by defendants to Crts 9/12/00 MO [22-1] ; attachment 1 (rrey) (Entered: 10/02/2000)
10/04/2000	<a href="#">26</a>	MINUTES: Plf is ORD to show cause by 10/23/00 why this case should not be dismiss purs to rule stated in Heck v Humphry IT IS SO ORD by Judge Gary A. Feess CR: None (rrey) (Entered: 10/05/2000)
10/04/2000	<a href="#">27</a>	ORDER & NOTICE TO Cnsl Re Dispute Resolution Procedure (see doc for fur details) by Judge Gary A. Feess (yl) (seal) Modified on 10/06/2000 (Entered: 10/05/2000)
10/06/2000	<a href="#">28</a>	MINUTES: (IN CHAMBERS): Attached is the list of retired judges inadvertently omitted from the previously fld Ntc to cnsl re dispute resolution procedure which was disseminated by the Crt on 10/4/00 by Judge Gary A. Feess CR: Not Present (rrey) (Entered: 10/10/2000)
10/13/2000	30	RESPONSE by defendants re minutes [23-1] (rrey) (Entered: 10/20/2000)
10/19/2000	<a href="#">29</a>	Notice to counsel by Judge Gary A. Feess (ENT 10/20/00) ntc sent (bg) (Entered: 10/20/2000)
10/23/2000	<a href="#">31</a>	ORDER partially lifting stay by Judge Gary A. Feess. The crt's order staying all proceedings in this case is lifted for the purpose of permitting plaintiffs, to the extent not already completed, to complete service of the summons and complaint on all defendants. All defendants should be served, and proofs of service fld with the crt, nlt 11/17/00. The crt should be notified of any difficulties encountered by any pla in meeting the deadline. (bp) (Entered: 10/24/2000)
10/26/2000	<a href="#">33</a>	GENERAL NOTICE OF STATUS CONF by Judge Dickran Tevrizian ; status conf set on 9:00 12/18/00 (SEND) (ir) (Entered: 10/30/2000)
10/27/2000	<a href="#">32</a>	ORDER by Judge Gary A. Feess granted in part and denied in part application to lift stay (bg) (Entered: 10/27/2000)
11/01/2000	<a href="#">34</a>	ORDER by Judge Gary A. Feess re class action allegations; A non-response to this Ord will be deemed a stmnt that the non-responding indiv officer is acknowledging that he is not claiming qualified immunity by conducting himself in accordance w/municipal policy, &

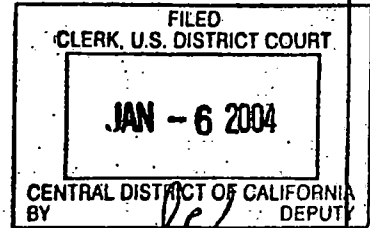


		the officer will be precluded thereafter frm raising such a defense. (send) (jp) (Entered: 11/02/2000)
11/07/2000	35	ORIGINAL PROOF OF SERVICE by plaintiff on 11/3/00 of ntc of stat conf (rrey) (Entered: 11/08/2000)
11/20/2000	36	RESPONSE by defendants to Crt's 11/1/00 order re qualified immunity [34-1] (jp) (Entered: 11/28/2000)
12/18/2000	<a href="#">37</a>	ORDER DISMISSING ACTION by Reason of Settlement by Judge Gary A. Feess; IT IS ORD that the actn is dism w/ prej; the Crt retains complete jurisd for sixty (60) days to vac this Ord & to reop the actn upon a showing of good cause that the sttlmnt has not been completed & fur litigation is necessary terminating case (MD JS-6) (12/19/00) (send/ntc) (rrey) (Entered: 12/19/2000)
12/18/2000	38	MINUTES: Cnsl advise the Crt that this matter has settled & that a dism will be fld w/in 45 days by Judge Dickran Tevrizian CR: Cynthia Mizell (rrey) (Entered: 12/19/2000)
06/13/2001	39	RECEIPT OF TRANSCRIPT of proceedings for the following date(s): 12/18/00 (Re:) CR: Cynthia Mizell/LM-Lutz 27. (CV-00-11597-GAF) (ghap) (Entered: 06/14/2001)

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06/10/2022 14:04:21			
<b>PACER Login:</b>	fpdcac0087	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:00-cv-06177-GAF-AJWX End date: 6/10/2022
<b>Billable Pages:</b>	5	<b>Cost:</b>	0.50
<b>Exempt flag:</b>	Exempt	<b>Exempt reason:</b>	Always

1 \*IRVING HUMPHREY, T 335  
2 PLEASANT VALLEY ST., PRISON  
3 P.O.BOX 8501)(A-1- )  
4 COALINGA., CALIF., 93210

5 UNITED STATES DISTRICT COURT  
6 CENTRAL DISTRICT OF CALIFORNIA



7  
8  
9 IRVING HUMPHREY,  
10 (Plaintiff)

11 vs.

12 CITY OF LOS ANGELES, JAMES  
13 HAHN, MAYOR; WILLIAM BRATON,  
14 POLICE CHIEF; D. VINTON, Officer  
15 #31085; AND J. ROBB, OFFICER #33804  
16 AND JOHN DOES 1-thru 10)  
17 (Defendants) /

CASE NO. CV-03-02623-DDP-  
FMD)

18 SECOND AMENDED CIVIL  
19 COMPLAINT  
20 COMPLAINT FOR DAMAGES:

- 21 (1) VIOLATION/DEPRIVATION OF  
22 CIVIL RIGHTS UNDER COLOR  
23 OF LAW. (42 U.S.C.S 1983  
24  
25 (2) STATE LAW TORTS OF  
26 FALSE IMPRISONMENT,  
27 ASSAULT AND BATTERY,  
28 FRAUD, INTENTIONAL WANTON  
INFLICTION OF EMOTIONAL  
DISTRESS, NEGLIGENCE AND  
NEGLIGENT INFLECTION OF  
EMOTIONAL DISTRESS

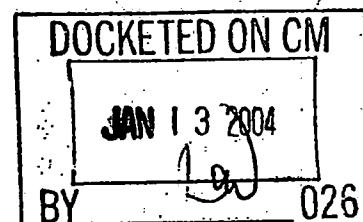
DEMAND FOR JURY TRIAL

23 Come now, the plaintiff Irving Humphrey, aka Irving Robinson  
24 an individual and for causes of action against defendants and each  
25 of them, complains and alleges as following:

26 ///

27 ///

28 ///



39

JURISDICTION AND VENUE

1) Jurisdiction in this Honorable Court arises pursuant to federal statutes, under title 28 U.S.C. Section 1331, 1343, and 1367). California Tort government code section 811-825, or civil code procedure section 410.10-410.50, 410.70. Jurisdiction is further established in this Honorable Court under title 42 U.S.C. Section 1983, Government code section 945.6, and Civil code section 51, 52(d).

2). Venue is proper in District Court pursuant to 28 U.S.C. § 1391 and California civil code section 1048, as the underlying acts, omissions, events, injuries and related facts and circumstances upon which the present action are based, occurred in the City of Los Angeles, State of California, within the boundaries of the Central District of this Honorable Court.

GENERAL ALLEGATIONS

3) At all times relevant hereto Plaintiff Irving Humphrey, aka, Irving Robinson, an individual, is and at all times mentioned herein was a resident of the County of Los Angeles, State of California, and is a citizen of, and within the jurisdiction of the United States.

4). At all times mentioned herein Defendant City of Los Angeles was a public entity and municipal corporation, duly organized and existing under and by virtue of the laws of the State of California.

Plaintiff is requesting no injunctive relief and is suing each individual in their individual capacity and or official capacity for monetary damages only.

5). Plaintiff Irving Humphrey, is informed and believes and thereupon alleges, that at all times relevant herein Defendants J. Robb, D. Vinton, William Bratton, James Hahn and does, 1 through 10, were residents of the County of Los Angeles, State of California and were police officers, mayor and chief of police and/or civilian employees agents, policy makers and representatives of Defendants City of Los Angeles. At all times relevant hereto said defendants were acting within the course and scope of their employment as officers, mayor, chief of police, and/or civilian employees, policy makers and representatives of the City of Los Angeles, and the wrongful acts hereinafter described flow from the very exercise of their authority.

6). Plaintiff Irving Humphrey, is ignorant of the true names and capacities of defendants sued herein as does 1 through 10, inclusive and therefore sues these defendants by such fictitious names.

Plaintiff Irving Humphrey, is legally in custody and believes or informed and thereupon alleges, that each of the fictitious named defendants is legally responsible, intentionally, negligently or in some other actionable manner for the events and happenings hereinafter referred to and thereby legally caused the injuries, damages and violations and/or and deprivation of rights or failed to overt the acts of deprivation of rights hereinafter alleged.

Plaintiff will seek leave of the Court to Amend this complaint and state the true names and/or capacities of said fictitious named defendants when the same have been ascertained.

7.) The reason why plaintiff is ignorant of the true names and capacities of defendants sued herein as does 1 through 10, inclusive is that same have been unascertainable as of the date of filing



1 of the instant complaint, as many of these does may be police  
2 officer, captain, sergeant, lieutenants, commanders, police chiefs or  
3 mayors, policy maker and representatives for the City of Los  
4 Angeles, and others, and as such many of their records are  
5 protected by state statutes and can only be reasonable be  
6 ascertained through production of documents, and discovery process.

7 8.) All defendants who are natural persons, and each of them,  
8 including does 1 through 10, are sued individually and in their  
9 official capacity as officers, sergeants, captains, chief of police,  
10 lieutenants, commanders, supervisors and/or civilian employees agent  
11 or policy makers and representatives for the City of Los Angeles  
12 Police Department, a defendant department and subdivision of  
13 defendant City of Los Angeles.

14 9.) At all time mention herein D.Vinton, were acting under the  
15 color of law and under the territory of state law to wit, under  
16 the color of statutes, ordinances, regulations, policies, customs,  
17 practices and usages of defendants City of Los Angeles as  
18 an police for the department of police and the state of California

19 10) At all times mentions herein J.Robb, was acting a a police  
20 under the color of the law and territory of the state to wit, under  
21 the color of statutes, ordinances, regulations, police policies,  
22 customs, practices and usages of defendants City of Los Angeles and  
23 State of California .

24 11) Plaintiff is informed and believes and thereupon alleges that  
25 at all times relevant herein, Defendants James Hahn, (Mayor), and  
26 William Bratton, (Chief of Police), and/or John Does 6 through 10)  
27 inclusive were supervisors and policy makers for the City of  
28 Los Angeles police Department, and for its special police unit

1 known as Rampart Crash, whose stated purpose was to address gang  
2 crimes .

3 The plaintiff Irving Humphrey, could not and did not reasonably  
4 have a legal avenue to the court until the case was dismissed  
5 on March 22, 2000, or when the Rampart rouge cops discovery was  
6 investigated and reveal of wrong doing by falsely accusing the  
7 lower social society of wrongdoing under criminal element.

8 Plaintiff indictment charges under case number BA-173196, was  
9 dismissed, but not before the testimony in the preliminary was  
10 falsely committed under oath by D. Vinton, and not overted by J. Robb,  
11 by coming forth with the truth, no drug was in the room or on the  
12 person Irving Robinson on August 19, 1998. Plaintiff further  
13 alleges that defendants, and each of them, intentionally conspired  
14 to conceal and did conceal, the true facts surrounding rouge cops  
15 civil rights deprivation or violations under both state and federal  
16 color of law and/or territory laws, thereby preventing the plaintiff  
17 from obtaining the knowledge and information necessary to submit  
18 the instant claim. Plaintiff further alleges that the civil  
19 rights violations/deprivation conduct of defendants and each of  
20 them, described herein, was undertaken with the express intention  
21 and expectation that the false representations made by defendants  
22 in connection with rouge cops conduct would be reasonably relied  
23 upon by the plaintiff, courts, appeals court, and other judicial  
24 agency, thereby deceiving the hearer of facts, thereby defrauding  
25 the said persons listed above, and thereby defrauding plaintiff into  
26 into reasonably believing that no cause(s) of action existed.

27 Futher, plaintiff did in fact rely upon the representation of  
28 repondants described above, and as a result reasonably beleived

that no cause even existed, other than returning of property stolen and claim destroyed by the Los Angeles Police Department, or Rampart Division. With the no believed causes existing to the incidents described, and as a result of the ongoing conspiracy, therefore, the date of accrual of the cessation of injury to within the meaning of the relevant statute of limitation did not begin to run until (1) Incident discovery, (2) Dismissal of alleged indictment charges on March 22, 2000, (3) Plaintiff mental sanity was established. (see *Calder Bell vs City of Milwaukee*, (1983) 746 F2d. 1205, (fraudulent concealment of facts) (Circumstances and evidences necessary to pursue a cause of action effectively toll statute of limitation, *Heck vs Humphrey*, 512 U.S. 477, (1994), deprived civil litigation until the conviction is dismissed, by the court or reverse by the court, or by the standard set in California civil code sections 328, 352, and evidence code section 522, in which prevent the civil prosecution by a mentally incompetent person until sane can be established, (Robinson, 109 Cal Rptr.2d. 656-07)). (see also *Wozniak*, (1969) 1 Cal 1 App. 3d. 716) (*Whitfield*, (1974) 10 Cal. 874) (or) *Hernandez*, (1986) 42 Cal 3d. 1020).

(2) Pursuant to Government code section 910, or about April 15, 2003 from prison, plaintiff Irving Humphrey in writing duly presented to the court Clerk of the City of Los Angeles a claim for damages.

But not before making efforts to seek injunctive relief by filing claims with the City of Los Angeles Mayor, or Chief of police for the City of Los Angeles, or filing recovery of property with the Los Angeles police property division, from 1998-2002).

Plaintiff set forth information on what material was stolen, taken, removed from his person under the false arrest and illegal

1 entry into his room at the motel location. The plaintiff cited  
2 names of persons and address of the location in which the property  
3 was removed by Rampart police gang agents D.Vinton and J.Robb.

4 13) Between 9-3-03 the above mentions claim was denied, deem  
5 lost or destored by the Los Angeles Police Department.

6 The causes of action in said claims for violation, deprivation of  
7 civil rights base upon false arrest and false imprisonment, were  
8 considered and denied. The state law causes of action were reject  
9 -ed and the claim returned with respect to them. This rejection  
10 and return was based on the erroneous contention by the office  
11 of the city Attorney that the claim was not present within one  
12 year of the causation of injury. As discussed in detail above or  
13 as will follow, plaintiff contends that the statute of limitation  
14 regarding the causation of injury or action of complaint began to  
15 run when mental incompetent is reestablished, evidende is discover  
16 by the facts finders, ommission is render, or case false charges is  
17 dismissed. (April 2003.) and therefore the claim was timely with  
18 respect to the law causes of action.

19  
20 STATEMENT OF SPECIFIC FACTS

21 On August 19, 1998, Irving Humphrey was living in the motel room  
22 03, at the location 300 South Alexandria Avenue, Los Angeles Calif.,  
23 90012 location. There was a knock on the door by D.Vinton and  
24 he was company by J.Robb. The knock on the door trigger a  
25 response by Irving Humphrey to ask who was at the door, and under  
26 false impression D.Vinton sounded his voice as someone other  
27 them himself or a male. When Humphrey open the door one inch,  
28 police officer D.Vinton kick the door violently open and J.Robb



1 went into the room of Irving Humphrey by force and without a search  
 2 warrant. The force of the open door cause physical and emotional  
 3 injury to Mr.Humphrey when he was knocked to the floor and  
 4 humiliated by being handcuff while being naked on the floor,  
 5 while the room door was open and onlooker staired. Mr.Humphrey  
 6 was not advise of his right and was interrogated on a subject  
 7 matter related to gang activities not known to him. When no  
 8 evidence or information was provided D.Vinton and J.Robb sought  
 9 a conspiracy and concealment acts as rouge cops to present drug  
 10 stemming from the peck of D.Vinton,as drug founded in the room of  
 11 Irving Humphrey,or to proposition him into given information.

12 When these efforts was unsuccessful,D.Vinton and J.Robb,destored  
 13 Mr .Irving motel room looking for drugs and was again,unsuccessful.

14 Police Officers Vinton and Robb,then arrested Mr.Humphrey under  
 15 known false charges of health and safety code section 11351.5  
 16 violation,(possession of drug for sale) and came to court in the  
 17 month of ~~DECEMBER~~<sup>I.H.</sup> 1998,(Preliminary hearing) and testified under  
 18 oath falsely to having discovered drug in the room of Mr.Humphrey  
 19 on August 19,1998,under the case number BA-173196). On March 22,  
 20 2000,the case was dismiss as was allege in the indictment charge  
 21 under the case number BA-178142<sup>I.H.</sup>). On 6/03/2003,Mr.Humphrey was  
 22 notified that his property seige by D.Vinto and Robb,was destored.

23 Plaintiff Irving Humphrey mental impairment deprived him from  
 24 knowing the causation of injury or discovery of injury,and the  
 25 concealment of rouge cops wrongdoing and police agency fraudulent  
 26 concealment also hinder the discovery of facts until March22,2000  
 27 and April 2003.  
 28

FIRST CASUSE OF ACTION

VIOLATION/DEPRIVATION OF CIVIL RIGHTS  
AS AGAINST ALL DEFENDANTS PURSUANT TO  
42 U.S.C.Section 1983)

14) Plaintiff realleges as though fully set forth at length and incorporated herin all of the allegation and statements contained in the information listed above and in the paragraphs 1 through 13,inclusive of the jurisdiction and general allegation above.

15)This cause of action arises under the First,Fourth,Fifth,Eighth, and Fourteenth Amendments to the United States Constitutional and under 42 U.S.C.Section 1983 code citation.

16) On August 19,1998,plaintiff civil right was deprived/violated by police officers ED.Vinton,and J.Robb,when the said acts occurred in the plaintiff motel. (1) The police gain entry by false impression,(2)The defendants Robb and Vinton gain entry by force and violent conduct,(3)Police officers Vinton and Robb,knowingly and deliberately interrogated plaintiff without advise of mirandum rights,(4)Police officers Vinton and Robb,knowingly and deliberate-ly violated plaintiff right to privacy,by illegal entring the motel room of plaintiff without conscent,(5)Police officers Vinton and Robb,violated plaintiff fourth Amendment right to illegal searching and seizure of person by conduct a search of the plaintiff room without a search warrant,(6) Police officers Vinton and Robb,knowingly and deliberately conceal rouge cops fraudulent conspiracy acts to false imprison,detain and charges people of color or low income social environment,(7) Police officer D.Vinton knowingly and deliberate gave false witness while under oath,(8)Police officer D.Vinton and Robb acted in different to

1 use of excessive force by knocking the plaintiff to the floor  
 2 upon entry by force into the room of plaintiff, (9) Police J. Robb  
 3 acted indifferent to failure to overt the acts and conduct of  
 4 rouse behaviors by self and D. Vinton, (10) D. Vinton, and J. Robb,  
 5 acted indifferent to acts and conduct of humiliation, emotional  
 6 and physical injury, and illegal acts of confiscation of personal  
 7 property, entering plaintiff room and handcuffing while nude in  
 8 the openness and exposure to other viewers living in the motel, or  
 9 causing damage to his right knees when he was force to the ground  
 10 by the thrush of the room door being open by Vinton and Robb  
 11 under fraudulent intent and without a search warrant.

12 11) The said officers entered into plaintiff room, interrogated  
 13 plaintiff, search plaintiff room and then pull drug from his own  
 14 police pocket in order to allege that the plaintiff was in  
 15 possession of drug while in the motel room. On ~~DECEMBER~~ <sup>I.H.</sup> 1998,  
 16 D. Vinton testified to the fraudulent allegation of the plaintiff  
 17 being in possession of drug while in the motel room on August 19,  
 18 1998 and the drug was in plain view. The defendants did so  
 19 in order to deceive the hearers of facts and evidences.

20 12) In light of the perjury while under oath committed by D. Vinton  
 21 and failure to overt acts of perjury committed by J. Robb,  
 22 plaintiff beleived his word would not prevail over the word of  
 23 police officers D. Vinton and J. Robb. On August 19, 1998, both  
 24 defendants file indictment charges under health and safety code  
 25 section 11351.5, (Possession of cocaine base for sale) and on March  
 26 22, 2000 all indictment charges was dismissed by the Los Angeles  
 27 Court.  
 28



19) The wrongful conduct alleged herein is just one typical example of implication of a large policy, pattern and practice of defendants City of Los Angeles and the Los Angeles Police Department or rouge cops Rampart division while under the color of law and territory of state law, deprived citizen of their inalienable rights by committing, condoning, ratifying, approving, failing to overt acts of deprivation of right and otherwise tacitly approving by condoning or failure to overt.

Overlooking and failure to prevent by arrest of appropriately discipline: acts of racial social society of low income persons, acts of excessive force, assault and battery, violence upon innocent and intimidation acts and conduct, illegal searches and seizure, falsification of evidence, calculated fabrication and distortion of evidence, breach of duty imposed by government code section 815.6, resulting from, inter alia, the filing of false police reports and indictment charges in violation of penal code section 118.1, the commission of perjury, malicious prosecution, failure to properly hire, train, supervise, discipline officers, negligent retention of said officers, and maintenance of a code of silence, whereby no other police officer, supervisor or policy maker would disclose or intervene to prevent, and/or would actively cover up the aforementioned misconduct.

(20) This policy, pattern and practice of the Los Angeles Police Department has been employed for numerous years prior and subsequent to the incident involving plaintiff Irving Humphrey described herein, as evidenced by incident set forth in the reports by D. Vinton and J. Robb.

(21) Plaintiff Irving Humphrey, is informed and believes and thereon

alleges, that the defendants Vinton, Robb, Bratton, Hahn, and John Does 1-10, have deprived plaintiff of liberty interest rights by distortion, perjury, failure to overt acts of rouge conduct, perjury, and corruption of the process of law, which in true turn, violated and/or deprived plaintiff Irving Humphrey of his rights and privileges guaranteed to him under the Constitution, and laws of the United States and State of California, as more fully described hereinafter.

(21) Plaintiff is informed and believes and thereupon alleges, that the wrongful rouge cops acts of employee defendants, when viewed in the context of the enterprise of law enforcement, are broadly incidental to that enterprise, and are not so unusual or starting that it would seem unfair to include any losses suffered as a result of the said acts among other costs of employment/ municipality defendants business.

(22) Plaintiff was indicted and preliminary prosecuted pursuant to a policy, pattern and practice of bringing false charges and falsifying evidences, reports against persons of innocent.

Defendants D. Vinton, and J. Robb, testified against plaintiff in a preliminary hearing on ~~DECEMBER~~ <sup>I.H.</sup> 1998, in the Los Angeles Superior Court to the facts of discovering false evidences used for a legal indictment knowing that the information was misleading, deceitful and fraudulently allege.

In carrying out this unlawful and malicious plan, plaintiff is informed and believes and thereupon alleges, that the said defendants Vinton, Robb, and each of them, secure the cooperation and assistance of the others Mayor, Chief of police, lieutenants, commanders, sergeants, supervisors and civilian employees from the

1 the Los Angeles Police Department ,or dividsion of Rampart  
2 station and the crash unit.

3 23) At all times revelant hereto,plaintiff Irving Humphrey, aka  
4 Irving Robinson,possessed rights guaranteed to him under the  
5 First,Fourth,Fifth,Eighth,and Fourteenth Amendment to the United  
6 States Constitutional color of law,,as well as the related rights  
7 to be free from unwarranted state interferences with the same  
8 rights under the territory of state laws.

9 24) as a direct and legal result of the aforementioned misconduct  
10 and the policies,patterns and practices of defendants rouge cops  
11 activities,and each of them,said constitutional rights of  
12 plaintiff were violated and/or deprived.

13 25) Defendants and each of them subject plaintiff Irving Humphrey  
14 to the aforementioned violations and/or deprivation by either acts  
15 or actual rouge cops activities,actual malice,deliberate  
16 indifference,or a reckless disregard for his rights under the  
17 United States Constitution.

18 26) Defendants and each of them,acted at all times herein knowing  
19 that the established customs,policies,pattern and practice of the  
20 Defendants City of Los Angeles Police Department would allow a  
21 cover-up,concealment,deceitful imprssion,and allow the continued  
22 violation of the first,fourth,eighth,and fourteenth Amendments  
23 rights to be violated by rouge cops activities,while right are  
24 being deprived and violated while under the protection of the  
25 United States Constitution color of law..

26 27) The supervisors or supervisory named herein as defendants  
27 inclusive including Does 6-10,who are and all relevant times,were  
28 responsible for the supervision of defendants to the rights of  
plaintiff,in violation of an absolute duty to instruct



subordinates and prevent constitutional harm.

(28) Plaintiff informed and believes and therefore alleges, that the supervisors named herein as defendants, including Does 6 through 10, knew, or should have known, of the actual problems and illegal activities and conduct of the Rampart Division and the Crash Unit and failed to correct such problem and illegal activities or activities stemming from rouge cops conduct.

(29) Plaintiff is informed and believes and therefore alleges, that the supervisors named herein, as defendants including Does 6-10, and Defendant City of Los Angeles had actual knowledge of the violent propensities, and rouge cops conduct of the Rampart, or Los Angeles police Department, and of the individual officers named herein, and of the unconstitutional violation or deprivation and conditions within the Los Angeles police department agency, and the said defendants Los Angeles City, Mayor, and Chief of police or supervisors failed to properly overt the acts of rouge cops conduct or failed to properly supervise the said Defendants Police officers J. Vinton and J. Robb and the unnamed individuals herein.

(30) By the actions set forth herein, defendants have deprived/ violated plaintiff of his civil right secure by the fourth, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution made actionable under 42 U.S.C. Section 1983.

(31) The aforementioned acts of the individual defendants and each of them was willful, wanton, malice, and oppressive and thereby justifies the awarding of exemplary and punitive damages.

Plaintiff is entitled to and seeks suit of each individual in their individual capacity for monetary damages.

subordinates and prevent constitutional harm.

(28) Plaintiff informed and believes and therefore alleges, that the supervisors named herein as defendants, including Does 6 through 10, knew, or should have known, of the actual problems and illegal activities and conduct of the Rampart Division and the Crash Unit and failed to correct such problem and illegal activity or activities stemming from rouge cops conduct.

(29) Plaintiff is informed and believes and thereforeon alleges, that the supervisors named herein, as defendants including Does 6-10, and Defendant City of Los Angeles had actual knowledge of the violent propensities, and rouge cops conduct of the Rampart, or Los Angeles police Department, and of the individual officers named herein, and of the unconstitutional violation or deprivation and condutions within the Los Angeles police department agency, and the said defendants Los Angeles City, Mayor, and Chief of police or supervisors failed to properly overt the acts of rouge cops conduct or failed to properly supervise the said Defendants Police officers J. Vinton and J. Robb and the unnamed individuals herein.

(30) By the actions set forth herein, defendants have deprived/ violated plaintiff of his civil right secure by the fourth, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution made actionable under 42 U.S.C. Section 1983.

(31) The aforementioned acts of the individual defendants and each of them was willful, wanton, malice, and oppressive and thereby justifies the awarding of exemplary and punitive damages.

Plaintiff is entitled to and seeks suit of each individual in there individual capacity for monetary damages.

SECOND CAUSE OF ACTION(DAMAGES FOR STATE LAW TORTS-  
AS AGAINST ALL DEFENDANTS)

(32) Plaintiff Irving Humphrey, aka Irving Robinson, realleges as though fully set forth at length and incorporated herein all of the allegations and statements contained in paragraphs 1 through 13, inclusive of the Jurisdictional and general allegations above, and paragraphs 15 through 31, inclusive of the First, cause of action above.

(33) The conduct of defendants and each of them, as hereinabove alleged and set forth in detail state claims for the state law tort of false imprisonment, assault and battery, fraud, fraudulently concealment of rouge cops conducts, intentionally infliction of emotional distress, negligence and negligent infliction of emotional distress, deceitful fraud, and therefore plaintiff seeks damages for the same..

(34) As a direct and legal result of the conduct of defendants, and each of them as hereinabove alleged and set forth in detail, plaintiff Irving Humphrey, was irreparably injured. His injuries include, but are not limited to his lost of liberty, his suffering of great mental pain, and anguish, severe emotional distress, fright and nervousness, anxiety, grief, shock, humiliation, indignity, embarrassment, apprehension, and being subjected to public scorn and derision, damages to his physical person and all to his general damages in an amount according to proof at the time of trial.

DEMAND FOR JURY TRIAL

Plaintiff Irving Humphrey, aka Irving Robinson, an individual,



hereby formally demands a trial by jury as is require under civil code procedure section 529,631,607.

PRAYER FOR RELIEF

Wherefore the plaintiff Irving Humphrey, aka Irving Robinson, an individual, prays for declaratory judgment against the defendants for violation/deprivation of first, fourth, Eighth, Fourteenth, and Fifth Amendment to the United States Constitution, and state Territoy laws under Tort injury clauses be deem having been violated by the defendants listed above, and demand relief against defendants and each of them as follows:

- (1) For general damages according to proof:
- (2) For Compensatory damages according to proof in the amount of 25 thousand dollars
- (3) For Exemplary damages as against each police officers, supervisors, and policy maker, mayor, chief of police defendant in an amount sufficient to deter and to make example of these defendants.
- (4) For consequential damages according to proof
- (5) For incidental damages according to proof:
- (6) For punitive damages in the amount of 15 million dollars for pain, emotional and physical suffering, mental anguish, and negligent wanton infliction of duress.
- (7) For cost of suit, including reasonable attorney fees and expenses of litigation as provided by federal and state laws, including but not limited to 42 U.S.C. Section 1983, 1988.
- (8) For such further relief as this court may deems just and proper.

DATED December 22, 2003

Irving Humphrey  
IRVING HUMPHREY/PRO SE ASSIST

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California  
 County of Shasta  
 On December 23, 2003 before me, Veronica Ann Aguilar, Notary Public  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")  
 personally appeared Irving C. Humphrey  
Name(s) of Signer(s)

☐ personally known to me - **OR** - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Veronica Ann Aguilar  
Signature of Notary Public

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document:

United States District Court for the State of California  
Central District and United States District Court  
Central District of California

Document Date:

December 22, 2003

Number of Pages:

48

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name:

Irving C. Humphrey

- ☐ Individual  
☒ Corporate Officer

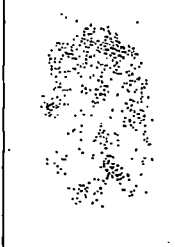
Title(s): \_\_\_\_\_

- ☐ Partner — ☐ Limited ☐ General  
☐ Attorney-in-Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer Is Representing:

Self

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here



Signer's Name: \_\_\_\_\_

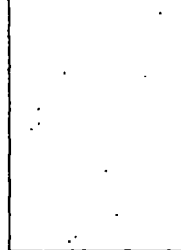
- ☐ Individual  
☐ Corporate Officer

Title(s): \_\_\_\_\_

- ☐ Partner — ☐ Limited ☐ General  
☐ Attorney-in-Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here



(Sample Proof of Service - To Be Attached to All Documents Submitted to the Court)

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Irving HUMPHREY T-17335

v.

Case Number: CV-03-2623-DDP (FMD)

CITY OF LOS ANGELES

PROOF OF SERVICE

CHRISTINE WHITAKER ATTORNEY 1

I hereby certify that on DECEMBER 13, 2003, I served a copy  
of the attached SECOND AMENDED CIVIL COMPLAINT AND MOTION TO THE COURT,  
by placing a copy in a postage paid envelope addressed to the person(s) hereinafter listed, by  
depositing said envelope in the United States Mail at PLEASANT VALLEY STATE PRISON.

(List Name and Address of Each  
Defendant or Attorney Served)

CHRISTINE WHITAKER, (ATTORNEY AT LAW) 200 North Main Street, 1700  
City Hall East, Los Angeles., Calif., 90012) (7th Floor)

CENTRAL DISTRICT COURT, 312 N. Spring Street, Los Angeles., Calif.,  
90012, (Court Room 08, .

I declare under penalty of perjury that the foregoing is true and correct.

I put this in the mail bag.  
on 12-23-03

Irving Humphrey T-17335  
(Name of Person Completing Service)



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194,CLOSED

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)  
CIVIL DOCKET FOR CASE #: 2:03-cv-02623-DDP-FMO**

Irving C Humphrey v. Los Angeles City of, et al  
Assigned to: Judge Dean D. Pregerson  
Referred to: Magistrate Judge fernando m. olguin  
Demand: \$0  
Related Case: [2:05-cv-02800-DDP-FMO](#)  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 04/15/2003  
Date Terminated: 05/14/2004  
Jury Demand: Plaintiff  
Nature of Suit: 550 Prisoner: Civil Rights  
Jurisdiction: Federal Question

**Plaintiff**

**Irving C Humphrey**

represented by **Irving C Humphrey**  
CDC T-17335  
Coalinga Pleasant Valley State Prison  
P O Box 8504  
Coalinga, CA 93210-8504  
PRO SE

V.

**Defendant**

**Los Angeles City of**

represented by **Christine Whitaker**  
Los Angeles City Attorney's Office  
City Hall East  
200 N Main St, 8th Fl  
Los Angeles, CA 90012  
213-978-2213  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**James Hahn**  
*Mayor*

represented by **Christine Whitaker**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**William Bratton**  
*Police Chief*

represented by **Christine Whitaker**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**D Vinton**  
*Officer #31085*

represented by **Christine Whitaker**  
(See above for address)

LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Defendant**

**J Robb**  
Officer #33804

represented by **Christine Whitaker**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Defendant**

**Does 1-10**

Date Filed	#	Docket Text
04/15/2003	1	CIVIL RIGHTS COMPLAINT Pur to Bivens v 6 Unk Agents referred to Magistrate Judge Fernando M. Olguin (jag) (Entered: 04/17/2003)
04/15/2003	2	NOTICE OF REFERENCE to Magistrate Judge Fernando M. Olguin (jag) (Entered: 04/17/2003)
04/18/2003	<a href="#">3</a>	ORDER RE: CIVIL RIGHTS CASE by Magistrate Judge Fernando M. Olguin: IT IS SO ORDERED I) Plaintiff shall promptly proceed with service of the summons and complaint on all named defendants. Plaintiff shall file 2 copies of the proof of service showing compliance with this order within 60 days of filing of the complaint. 2) Any failure by plaintiff to comply with a court order where plaintiff did not receive the order due to failure to inform the court of plaintiff's current address may result in the action being dismissed for failure to prosecute. 6) After any defendant has entered an appearance in the case plaintiff must serve a copy of every pleading or other document submitted for consideration by the court upon each defendant's attorney or defendant himself or herself if no attorney has appeared in the case for that defendant. Each document submitted for filing must be accompanied by a proof of service. Any document submitted that does not comply with the foregoing may be returned to plaintiff without filing or stricken and denied consideration by the court. (See document for further information) (dw) (Entered: 04/21/2003)
04/23/2003	<a href="#">4</a>	ORDER by Magistrate Judge Fernando M. Olguin: IT IS ORDERED THAT the complaint received, but not filed on 4/21/03 is rejected and ordered returned to plaintiff; Plaintiff is referred to the court's order of 4/18/03 for directions on how to proceed with prosecuting his claims (wm) (Entered: 04/24/2003)
04/23/2003	6	LETTER from plaintiff re assistance in serving complaint; (Filed pursuant to Order [5-1]) (dw) (Entered: 04/30/2003)
04/28/2003	<a href="#">5</a>	ORDER by Magistrate Judge Fernando M. Olguin: The Court has received plaintiff's letter which was received but not filed on 4/23/03. Based on the foregoing IT IS ORDERED THAT: 1) Plaintiff's Letter is ordered filed. 2) Pursuant to Rule 83-2.11 of the Local Rules of this court the parties and their attorneys may not communicate with the judge or his staff by letter. (dw) (Entered: 04/30/2003)
05/22/2003	7	MOTION by plaintiff to amend civil complaint to correct error (dw) (Entered: 05/28/2003)
05/23/2003	<a href="#">8</a>	ORDER by Magistrate Judge Fernando M. Olguin: 1) Plaintiff's Motion to Amend Civil Complaint to Correct Error received on 5/22/03 is ordered filed. Plaintiff's Motion [7-1] is granted. 2) Plaintiff's Complaint [1-1] is dismissed with leave to amend. 3) If plaintiff still wishes to pursue this action he is granted until 6/13/03 to file a First Amended Complaint. 4) Plaintiff is granted leave to amend only the claims in his Complaint. 5) The Clerk is

		directed to send plaintiff a copy of the Central District's Civil Rights Complaint form. 6) Plaintiff is explicitly cautioned that failure to timely file a First Amended Complaint may result in a recommendation that this action be dismissed for failure to prosecute pursuant to FRCivP 41(b). (See document for further information) (dw) (Entered: 05/28/2003)
06/16/2003	9	FIRST AMENDED CIVIL RIGHTS COMPLAINT PURSUANT TO Bivens v Six Unknown Agents 403 USC 388 (1971) by plaintiff. Summons not issued (dw) Modified on 10/17/2003 (Entered: 06/18/2003)
07/07/2003	11	MOTION by plaintiff to compel Los Angeles City Attorney to Produce Forwarding Address (dw) (Entered: 07/22/2003)
07/14/2003	10	NOTICE OF DISCREPANCY AND ORDER by Magistrate Judge Fernando M. Olguin ordering Civil Rights Complaint submitted by plaintiff received on 7/7/03 is not to be fld but instead rejected; Denial based on: LR 11-4.1 No copy provided for judge; Document is a copy of First Amended Complaint filed on 6/16/03 (dw) (Entered: 07/15/2003)
07/21/2003	<a href="#">12</a>	ORDER by Magistrate Judge Fernando M. Olguin: IT IS ORDERED THAT: 1) Plaintiff's motion to compel Los Angeles City Attorney to Produce Forwarding Address received on 7/7/03 is ordered filed. Plaintiff's Motion [11-1] is denied. (See document for further information) (dw) (Entered: 07/22/2003)
07/30/2003	<a href="#">13</a>	ORDER by Magistrate Judge Fernando M. Olguin: IT IS ORDERED THAT: 1) Plaintiff's First Amended Notice of Document Discrepancies and First Amended Complaint received but not filed on 7/28/03 are ordered rejected and returned to plaintiff. 2) Plaintiff is advised that his First Amended Complaint was filed with the court on 6/16/03. 3) Plaintiff is further reminded that he is responsible for ensuring that all defendants are served at his expense within the period specified by the Federal Rules of Civil Procedure. 4) Plaintiff may not amend his First Amended Complaint until after he has served the First Amended Complaint on all defendants. (dw) (Entered: 07/31/2003)
09/09/2003	14	NOTICE OF CHANGE Of Address filed by petitioner. New Address: CDC T-17335 Pleasant Valley State Prison, PO Box 8504, Coalinga CA 93210 (dw) (Entered: 09/10/2003)
09/23/2003	<a href="#">15</a>	ORDER TO SHOW CAUSE by Magistrate Judge Fernando M. Olguin: IT IS HEREBY ORDERED THAT on or before 10/16/03 plaintiff shall show cause why this action should not be dismissed for plaintiff's failure to complete service of the summons and complaint as required by Rule 4(m) Federal Rules of Civil Procedure. Plaintiff shall attempt to show such cause in writing by filing a declaration signed under penalty of perjury. Filing of the proof of service shall be a satisfactory response to the Order to Show Cause. (dw) (Entered: 09/24/2003)
10/03/2003	16	UNTITLED DOCUMENT construed as a Response to the Order to Show Cause [15-1] and Request for Extension of Time to Serve Complaint by plaintiff (dw) (Entered: 10/07/2003)
10/06/2003	<a href="#">17</a>	ORDER by Magistrate Judge Fernando M. Olguin: IT IS ORDERED THAT: 1) The untitled document received on 10/3/03 [16-1] is ordered filed. The Court will construe the document as plaintiff's Response to the Order to Show Cause and Request for Extension of Time to Serve Complaint [16-1]. 2) Plaintiff shall serve the summons and complaint on all named defendants no later than 11/7/03. Plaintiff shall file 2 copies of the proof of service showing compliance with this Order no later than 11/24/03. Absent exceptional circumstances plaintiff will not be given any further extensions of time to serve his complaint. (See document for further information) (dw) (Entered: 10/07/2003)
10/17/2003		SUMMONS issued as to defendant (dw) (Entered: 10/20/2003)



11/07/2003	18	PROOF OF SERVICE executed upon defendant William Bratton - ; Service by State Statute on 11/6/03 the Sumons and First Amended Civil Rights Complaint delivering to and leaving with Gary Geuss- Person authorized to accept service of process (pbap) (Entered: 11/10/2003)
11/07/2003	19	PROOF OF SERVICE executed upon defendant James Hahn ; Service by state statute on 11/6/03 via delivering by serving Summons and First Amended to Gary Geuiss - Person authorized to accept service of process. (pbap) (Entered: 11/10/2003)
11/07/2003	20	PROOF OF SERVICE executed upon defendant D Vinton ; Service by state statute on 11/6/03 delivering by serving Summons and First Amended Civil Rights Complaint to Sylvia Barron - person in charge. (pbap) (Entered: 11/10/2003)
11/21/2003	21	RETURN OF SUMMONS unexecuted - attempted as to defendant Los Angeles City of Los Angeles, et al upon J. Robb, Officer (dw) (Entered: 11/24/2003)
12/01/2003	22	CERTIFICATION AS TO INTERESTED PARTIES filed by defendants (dw) (Entered: 12/02/2003)
12/01/2003	23	CERTIFICATION AS TO INTERESTED PARTIES filed by defendant Mayor James Hahn (dw) (Entered: 12/02/2003)
12/01/2003	24	CERTIFICATION AS TO INTERESTED PARTIES filed by defendant D Vinton (dw) (Entered: 12/02/2003)
12/01/2003	25	CERTIFICATION AS TO INTERESTED PARTIES filed by defendant William Bratton (dw) (Entered: 12/02/2003)
12/01/2003	27	NOTICE OF MOTION AND MOTION by defendants to dismiss first amended complaint for failure to State a claim ; Memorandum of points and authorities in support thereof [FRCP 12(b)(6)]; motion hearing set for 10:00 1/12/04 (jp) (Entered: 12/04/2003)
12/01/2003	28	REQUEST by defendants for Judicial Notice in support of their motion to dismiss first amended complaint for failure to State a claim [27-1] (jp) (Entered: 12/04/2003)
12/02/2003	26	NOTICE OF DISCREPANCY AND ORDER by Magistrate Judge Fernando M. Olguin ordering Notice of motion and motion to dismiss first amended complaint submitted by defendant received on 12/01/03 to be fld and processed; fld date to be the date the doc was stamped "received but not fld" w/the Clerk (jp) (Entered: 12/04/2003)
12/03/2003	<a href="#">29</a>	ORDER RE: MOTION TO DISMISS by Magistrate Judge Fernando M. Olguin: IT IS ORDERED THAT: 1) The hearing set for 1/12/04 is hereby vacated. (Motion to Dismiss [27-1]) 2) Plaintiff's Opposition or Notice of Non-Opposition to defendants' Motion must be filed and served no later than 12/23/03. 3) Defendants shall file and serve a Reply Memorandum no later than 1/5/04. 4) Unless the Court orders otherwise this case will be deemed submitted without oral argument on either: a) the day the opposition or notice of non-opposition is filed or due and not filed; or b) the day defendants' reply is filed or due and not filed. The Court may order further briefing or other proceedings as any time as appropriate (dw) (Entered: 12/05/2003)
12/10/2003	31	LETTER from plaintiff Irving C Humphrey re order [30-1] (yl) (Entered: 12/15/2003)
12/10/2003	<a href="#">32</a>	ORDER by Magistrate Judge Fernando M. Olguin respondent to service its motion to dismiss on plaintiff at Pleasant Valley State Prison. Plaintiff's opposition or non-opposition to the motin due by 1/9/04, reply by 1/23/04 (dmjr) (Entered: 12/18/2003)
12/11/2003	<a href="#">30</a>	ORDER: Based on the foregoing, IT IS ORDERED THAT: Plaintiff's letter, received, but not filed on 12/10/03 is ordered filed. To the extent plaintiff's letter requests any relief, the

		request is denied. (See Order for more details) by Magistrate Judge Fernando M. Olguin (yl) (Entered: 12/15/2003)
12/17/2003	33	PROOF OF SERVICE by defendant on 12/17/03 of 1) Defendants' Notice of Motion and Motion to Dismiss First Amended Complaint for Failure to State a Claim; Memorandum of Points and Authorities in Support Thereof; 2) Defendants' Request for Judicial Notice in Support of Their Motion to Dismiss First Amended Complaint for Failure to State a Claim; Memorandum of Points and Authorities in Support Thereof; Declaration of Christine Whitaker (dw) (Entered: 12/18/2003)
12/26/2003	34	NOTICE OF MOTION by plaintiff to file a second amended civil complaint to allege acts and rights violations deprivation more clearly (dw) (Entered: 12/30/2003)
12/26/2003	35	OPPOSITION by plaintiff to Defendants Notice of Motion and Motion to dismiss first amended complaint for failure to State a claim [27-1] (dw) (Entered: 12/30/2003)
12/31/2003	37	OPPOSITION filed by Defendants City of Los Angeles, Mayor James Hahn, Chief of Police William Bratton and Officer Dave Vinton to Plaintiff's Notice of Motion to File Second Amended Complaint; Memorandum of Points and Authorities in Support Thereof 34 (dw, ) (Entered: 01/08/2004)
12/31/2003	38	REPLY by Defendants to Opposition to Motion to Dismiss First Amended Complaint 27 (dw, ) (Entered: 01/08/2004)
01/06/2004	<a href="#">36</a>	ORDER by Judge Fernando M. Olguin : denying 27 Motion to Dismiss and granting NOTICE OF MOTION by plaintiff to file a second amended civil complaint to allege acts and rights violations deprivation more clearly (pcl, ) (Entered: 01/07/2004)
01/06/2004	39	SECOND AMENDED CIVIL COMPLAINT FOR DAMAGES against Defendants Does 1-10 amending Amended Complaint 9 ; Jury Demand,filed by Plaintiff Irving C Humphrey (dw, ) (Entered: 01/13/2004)
01/26/2004	41	NOTICE OF MOTION AND MOTION to Dismiss second amended complaint for failure to state a claim filed by Defendants William Bratton, James Hahn, Los Angeles City of, D Vinton. Motion set for hearing on 2/23/2004 at 10:00 AM before Honorable Dean D. Pregerson. (pj, ) (Entered: 01/30/2004)
01/26/2004	42	REQUEST FOR JUDICIAL NOTICE in support of MOTION to Dismiss second amended complaint for failure to state a claim 41 filed by defendants William Bratton -, James Hahn, Los Angeles City of, D Vinton. (jp, ) (Entered: 01/30/2004)
01/28/2004	<a href="#">40</a>	ORDER Re: Defendants' Motion to Dismiss by Judge Fernando M. Olguin. IT IS ORDERED THAT: (1) Plaintiff's Opposition or Notice of Non-Opposition to defendants' Motion must be filed and served no later than February 27, 2004. (3) Defendants shall file and serve a Reply Memorandum no later than March 15, 2004.(pcl, ) (Entered: 01/28/2004)
02/10/2004	43	MOTION for Extension of Time for Extraordinary Circumstance filed by Plaintiff Irving C Humphrey. (pcl, ) (Entered: 02/11/2004)
02/11/2004	<a href="#">44</a>	ORDER by Judge Fernando M. Olguin : granting 43 Motion for Extension of Time for Extraordinary Circumstance. Plaintiff shall file his Opposition to defendants' Motion to Dismiss no later than March 26, 2004. Defendants shall file their Reply no later than April 9, 2004. (pcl, ) (Entered: 02/11/2004)
03/24/2004	45	OPPOSITION to defendants MOTION to Dismiss second amended complaint for failure to state a claim 41 filed by plaintiff Irving C Humphrey. (pj, ) (Entered: 04/07/2004)
03/24/2004	46	AFFIDAVIT AND DECLARATION of IRVING C HUMPHREY 41 filed by Plaintiff

		Irving C Humphrey. (pj, ) (Entered: 04/07/2004)
04/09/2004	47	REPLY to Plaintiffs Opposition to Defendants' MOTION to Dismiss second amended complaint for failure to state a claim 41 filed by Defendants William Bratton -, James Hahn, Los Angeles City of, D Vinton. (pbap, ) (Entered: 04/14/2004)
04/14/2004	<a href="#">48</a>	NOTICE OF FILING REPORT AND RECOMMENDATION by Magistrate Judge Fernando M. Olguin. Any party having objections to the report and recommendation shall, not later than May 4, 2004, file and serve a written statement of objections with points and authorities in support thereof.(pcl, ) (Entered: 04/14/2004)
04/14/2004	49	REPORT AND RECOMMENDATION issued by Magistrate Judge Fernando M. Olguin. (pcl, ) (Entered: 04/14/2004)
04/15/2004	50	NOTICE OF DISCREPANCY AND ORDER: by Judge Fernando M. Olguin, ORDERING Notice Take Judicial Notice of Mental History Record submitted by Plaintiff Irving C Humphrey received on 4/13/04 is not to be filed but instead rejected. Denial based on: Local Rule 11-3.8 Lacking name, address, phone number; FRCvP Rule 5(d): No proof of service attached to document.(pcl, ) (Entered: 04/15/2004)
04/19/2004	52	OBJECTION to Report and Recommendation (Issued) of 4/14/04 49 filed by defendants William Bratton -, James Hahn, Los Angeles City of, D Vinton.(kca, ) (Entered: 04/23/2004)
04/20/2004	<a href="#">51</a>	ORDER Re: TYPOGRAPHICAL ERROR IN REPORT AND RECOMMENDATION FILED ON APRIL 14, 2004, by Judge Fernando M. Olguin: The court has reviewed defendants' Objection to Magistrate Judge's Report and Recommendation of April 14, 2004, filed on April 19, 2004. Defendants are correct that the Report and Recommendation (R&R) issued on April 14, 2004, contains a typographical error. Accordingly, IT IS ORDERED THAT: 1. The word "First" on page 11, line 9, of the R&R shall be replaced with the word "Second," so that the entire sentence reads as follows: Based on the foregoing, IT IS RECOMMENDED that the Court issue an Order... (2) granting defendants' Motion to Dismiss plaintiff's Second Amended Complaint (Document No. 41) and Request For Judicial Notice (Document No. 42)[.]" 2. The court, on its own motion, will give plaintiff an addition ten days from his current deadline of May 4, 2004. If plaintiff has any Objections to the R&R, he shall, no later than May 14, 2004, file and serve a written statement of objections with points and authorities in support thereof.(pcl, ) (Entered: 04/20/2004)
04/20/2004		Set/Reset Deadlines as to 41 MOTION to Dismiss second amended complaint for failure to state a claim. Objections to R&R due by 5/14/2004 (pcl, ) (Entered: 04/20/2004)
04/20/2004		Set/Reset Deadlines as to 42 Request for Judicial Notice, Request for Relief. Objections to R&R due by 5/14/2004 (pcl, ) (Entered: 04/20/2004)
04/30/2004	53	OBJECTION to Report and Recommendation (Issued) 49 filed by Petitioner Irving C Humphrey.(dw, ) (Entered: 05/11/2004)
05/14/2004	<a href="#">54</a>	SUPPLEMENTAL REPORT AND RECOMMENDATION OF US MAGISTRATE JUDGE by Magistrate Judge Fernando M. Olguin. (dw, ) (Entered: 05/17/2004)
05/14/2004	<a href="#">55</a>	ORDER ADOPTING FINDINGS CONCLUSIONS AND RECOMMENDATIONS OF US MAGISTRATE JUDGE by Judge Dean D Pregerson: The Court concurs with and adopts the findings and conclusions of the Magistrate Judge <a href="#">54</a> IT IS ORDERED THAT: 1) Judgment shall be entered dismissing plaintiff's excessive force claim with prejudice and his remaining federal and state claims without prejudice. (dw, ) (Entered: 05/17/2004)
05/14/2004	<a href="#">56</a>	JUDGMENT by Judge Dean D. Pregerson: IT IS ADJUDGED that Plaintiff's excessive force claim in the above-captioned action 1 is dismissed with prejudice. IT IS FURTHER



ADJUDGED that all other claims are dismissed without prejudice. (Made JS-6. Case Terminated.)(dw, ) (Entered: 05/17/2004)

PACER Service Center			
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06/10/2022 14:17:09			
<b>PACER Login:</b>	fpdcac0087	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:03-cv-02623-DDP-FMO End date: 6/10/2022
<b>Billable Pages:</b>	6	<b>Cost:</b>	0.60
<b>Exempt flag:</b>	Exempt	<b>Exempt reason:</b>	Always

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**LOS ANGELES  
 SUPERIOR COURT**

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8  
 9 Attorneys for Plaintiff, ERWIN GODINEZ

10  
 11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

13 Erwin Godinez

14 Plaintiff,

15 vs.

Case No.: BC228989

) Hon.: MEL RECANA

) Dept.: *1st*

) **COMPLAINT FOR DAMAGES:**

17 City of Los Angeles, Officer Doe Cohen,  
 18 Brian Hewitt (LAPD #27602), Lawrence  
*#31438* Martinez (LAPD #27319), Officer Doe  
 19 McNiel (LAPD #211038), Rafael Perez,  
 Antonio Rico (LAPD# 27811), Officer Doe)  
 20 Vinton, John Doe Officers 1 through 10,  
 21 inclusive, Sergeant Edward Ortiz (LAPD  
#23230), John Doe Sergeants 11 through 20,  
 22 inclusive, John Doe Commanders 21 through  
30, inclusive, John Doe Lieutenants 31  
 23 through 100, inclusive, Bernard Parks,  
 William Williams, Richard Riordan,  
 24 Herbert Boeckmann, Raymond C. Fisher,  
 25 Dean Hansell, Deirdre Hughes Hill, T. Warren)  
 Jackson, Art Mattox, Edith Perez, James Fisk,  
 26 Stephen Gavin, Gary Greenbaum, Maxwell)  
 27 Greenberg, Enrique Hernandez, Melanie)  
 Lomax, Stanley Sheinbaum, Barbara)

**STATE CLAIMS AND  
 CIVIL RIGHTS VIOLATIONS  
 PURSUANT TO 102 U.S.C. §§ 1983,  
 1985, 1986, AND 1988**

**[REQUEST FOR JURY TRIAL]**



1 Lindemann Schlei, Robert Weil, Stephen)  
 2 Yslas. and Does 41-80<sup>1</sup>, inclusive. )  
 3 Defendants. )

4 **COMPLAINT**

5 **COMES NOW PLAINTIFF, ERWIN GODINEZ, and alleges as follows:**

6 **I.**

7 **VENUE AND JURISDICTION**

8 1. Venue is proper in the Superior Court of the State of California, Central District, in that  
 9 underlying acts, omissions, injuries and related facts and circumstances upon which the present  
 10 action are based occurred in the City of Los Angeles, California. This court has jurisdiction over  
 11 the present matter because, as delineated within this complaint, the nature of the claims and  
 12 amounts in controversy meet the requirements for jurisdiction in the Superior Court. This court  
 13 is empowered with concurrent jurisdiction to entertain suits brought under the Federal Civil  
 14 Rights Act, 102 U.S.C. § 1983. See Williams v. Horvath, (1976) 16 Cal.3d 8310, 837, 129 Cal.  
 15 Rptr. 5103.

16 **II.**

17 **PARTIES**

18 2. At all times relevant hereto, Plaintiff, **Erwin Godinez** is and was a resident of the County  
 19 of Los Angeles, California.

20 3. At all times mentioned herein, Defendant **City of Los Angeles** was a public entity duly  
 21 organized and existing under and by virtue of the laws of the State of California.

22 ///

23 ///

24 ///

25 \_\_\_\_\_  
 26 <sup>1</sup> Notwithstanding Local Rule 3.7.2.1 Plaintiff has named more than ten fictitiously-named defendants allowed  
 27 pursuant to it. Plaintiff believes he must name more than ten fictitiously-named defendants or Plaintiff will be  
 28 waiving any right under the law to add them, as their true identities become known.



4. At all times relevant herein. Defendants, **Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico (LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10, Sergeant Edward Ortiz (LAPD #23230)**, were residents of the County of Los Angeles, and were police officers, sergeants, captains, and lieutenants, and/or civilian employees, agents and representatives of the City of Los Angeles Police Department and employees, agents and representatives of the City of Los Angeles. At all times relevant hereto, said Defendants were acting within the course and scope of their employment as officers, sergeants, captains and chiefs of police, and/or civilian employees of the Los Angeles Police Department, a department and subdivision of Defendant **City of Los Angeles**. Each said Defendant is sued in his or her official capacity and in his or her personal capacity.

5. Plaintiff **Erwin Godinez**, is ignorant of the true names and capacities of Defendants sued herein as, **John Doe Officers 1 through 10, inclusive, John Doe Sergeants 11 through 20, inclusive, John Doe Commanders 21 through 30, inclusive, John Doe Lieutenants 31 through 100, inclusive, and Does 101 through 80, inclusive**, and therefore sues these Defendants by such fictitious names. Plaintiff will amend this complaint to allege their true names and capacities when ascertained. Plaintiff is informed and believes and thereon alleges that each of the fictitiously named Defendants is responsible in some manner for the occurrences herein alleged, and that Plaintiff's injuries as herein alleged were proximately caused by the acts and/or omissions of the fictitiously named Defendants. Each said Doe Defendant is sued in his or her official capacity and in his or her personal capacity.

6. At all times relevant herein, Defendants, **William Williams and Bernard Parks** were residents of the County of Los Angeles, and chiefs of police, of the City of Los Angeles Police Department, and acting within the course and scope of their employment. Each said Defendant is sued in his or her official capacity and in his or her personal capacity.

7. At all times relevant herein, Defendants, **Richard Riordan, Herbert Boeckmann, Raymond C. Fisher, Dean Hansell, Deirdre Hughes Hill, T. Warren Jackson, Art Mattox, Edith Perez, James Fisk, Stephen Gavin, Gary Greenbaum, Maxwell Greenberg, Enrique**



Hernandez, Melanie Lomax, Stanley Sheinbaum, Barbara Lindemann Schlei, Robert Weil, and Stephen Yslas, are former or current members duly elected and/or sworn Mayor of the City of Los Angeles and members of the Los Angeles Police Commission. That said Defendants were empowered with the authority to make, change, adopt and implement policies, practices, rules and procedures for the City of Los Angeles and the City of Los Angeles Police Department. At all times relevant hereto, said Defendants were acting within the course and scope of their capacity as Mayor and members of the Police Commission. Each said Defendant is sued in his or her official capacity and in his or her personal capacity.

### III.

#### FACTS COMMON TO ALL ACTIONS

8. Commencing on or about October 10, 1995, and continuing to and including April 26, 1996, Defendants Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico (LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive, John Doe Sergeants 11 through 20, inclusive, John Doe Commanders 21 through 30, inclusive, and John Doe Lieutenants 31 through 100, inclusive, on at least four occasions illegally stopped, searched, sized, subjected to unreasonable force and arrested Plaintiff. Said Defendants falsely constructed the appearance Plaintiff was either in possession of cocaine, with intent to sell, tampering with identification marks on firearms and/or committing a battery.

9. Based on Defendants Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico (LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive, John Doe Sergeants 11 through 20, inclusive, John Doe Commanders 21 through 30, inclusive, and John Doe Lieutenants 31 through 100, inclusive, planting of evidence, inventing facts and falsifying police reports on all aforementioned occasions Plaintiff forced to plead guilty to crimes he did not commit, and consequently illegally and unjustly incarcerated, in violation of Plaintiff's constitutional rights.

///



10. As to the April 26, 1996 incident, at or near the vicinity of 210 S. Berando Street, Defendants, **Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038)**, both officers of the Rampart Station *Community Resources Against Street Hoodlums*, also known as the "CRASH" unit, conceived and did carry out a plan to unlawfully place approximately 100 grams of cocaine and falsely accuse Plaintiff of possessing a controlled substance with the intent to sell.

11. Defendants, **Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038)**, thereafter prepared and authored false police reports in order to justify their version of the events, thus creating probable cause for the unlawful search, seizure and subsequent arrest of Plaintiff.

12. As a result of the planting of evidence and fabricated police reports, Plaintiff was wrongfully and unjustly charged with the crime of possession of a controlled substance with intent to sell. Facing an uncertain and long period of incarceration, Plaintiff was pressured and forced to enter into a plea of guilty for a crime Plaintiff did not commit. As a result of the plea Plaintiff's rights were unjustly and unlawfully violated as Plaintiff was denied his freedom by being unjustly incarcerated.

13. Furthermore, Defendants, **Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico (LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive, John Doe Sergeants 11 through 20, inclusive, John Doe Commanders 21 through 30, inclusive, and John Doe Lieutenants 31 through 100, inclusive**, routinely engaged in the unlawful, unreasonable and unjustifiable detention of Plaintiff for the sole purpose of harassing and extracting information from him. Said Defendants, brutally beat Plaintiff, by kicking, punching, choking and striking him, in order to extract said information from them. In doing so said Defendants without just cause and the use of excessive force, caused severe bodily, psychological and emotional injuries, in violation of his constitutional rights.

14. After Defendants, **Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio**



1 Rico (LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive, John  
 2 Doe Sergeants 11 through 20, inclusive, John Doe Commanders 21 through 30, inclusive,  
 3 and John Doe Lieutenants 31 through 100, inclusive, ceased beating Plaintiff. as described  
 4 above, they intentionally would refrain from providing Plaintiff medical care.

5 15. Said use of excessive, unreasonable and unlawful force on Plaintiff's person was without  
 6 provocation, cause or necessity and was a conscious and deliberate act by said Defendants, and  
 7 for the sole purpose of maliciously harming, injuring, instilling fear and apprehension in  
 8 Plaintiff.

9 16. One such incident occurred, on or about August 11, 1997 at or near 11:00 P.M., at or near  
 10 the vicinity of 3<sup>rd</sup> Street and Kenmore. Defendants Antonio Rico (LAPD# 27811), Officer Doe  
 11 Vinton, did unlawfully enter into the dwelling Plaintiff was lawfully residing and sleeping in at  
 12 the time, with the sole intention of extracting gang activity information from Plaintiff. Plaintiff  
 13 was unable to provide acceptable information to Defendants Antonio Rico (LAPD# 27811),  
 14 Officer Doe Vinton, and as a result said Defendants unjustly, unlawfully and without probable  
 15 cause brutally and without cause kicked and punched Plaintiff in the face and body.

16 17. Said Defendants, Antonio Rico (LAPD# 27811) and Officer Doe Vinton, also  
 17 intentionally failed to and did refrain from providing medical assistance to Plaintiff after they  
 18 ceased beating him.

19 18. As a result of all the unlawful, unreasonable and unjustifiable acts of Defendants Plaintiff  
 20 was deprived of his interest protected by the laws and Constitution of the United States of  
 21 America, due to the commission or omission of acts by Defendants while acting under color of  
 22 law.

#### 23 IV.

#### 24 FIRST CAUSE OF ACTION

#### 25 ASSAULT AND BATTERY

26 [As to Defendants Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez  
 27 (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico (LAPD#  
 28 27811), Officer Doe Vinton, John Doe Officers 1 through 10]



1 19. Plaintiff incorporates by reference into this First, separate, and distinct cause of action.  
2 Paragraphs 1 through 18, as though set forth in full.

3 20. At that time and place herein above alleged, Defendants, **Officer Doe Cohen, Brian**  
4 **Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD**  
5 **#311038), Rafael Perez, Antonio Rico (LAPD# 27811), Officer Doe Vinton and John Doe**  
6 **Officers 1 through 10, inclusive**, without just and legal cause, wrongfully and unjustly charged  
7 Plaintiff with crimes he did not commit and continuously harass and beat Plaintiff.

8 21. Said harmful and offensive conduct, the random beating of Plaintiff, by the  
9 aforementioned Defendants, was unreasonable, unlawful, willful, malicious, wanton and  
10 oppressive thereby justifying the awarding of exemplary and punitive damages as to each of  
11 these individual Defendants.

12 22. Said assault and battery was not consented to by the present plaintiff and was the  
13 proximate cause of the injuries complained of herein.

14 V.

15 SECOND CAUSE OF ACTION

16 NEGLIGENCE

17 [As to All Defendants]

18 23. Plaintiff incorporates by reference into this Second, separate, and distinct cause of action,  
19 Paragraphs 1 through 22, as though set forth in full.

20 24. Plaintiff is informed and believes and thereon alleges **Defendants Officer Doe Cohen,**  
21 **Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel**  
22 **(LAPD #311038), Rafael Perez, Antonio Rico (LAPD# 27811), Officer Doe Vinton, John**  
23 **Doe Officers 1 through 10, inclusive**, including, but not limiting, the dates of April 26, 1996  
24 and August 11, 1997, did negligently, violently and without due care, cause or provocation,  
25 inflict unlawful brutally beat Plaintiff and plant evidence on Plaintiff's person .

26 25. Both incidents occurred as a result of the absence off due care for the safety of others and  
27 constituted an unreasonable, unwarranted, and excessive use of force, abuse of process and  
28 manifested an unreasonable risk of injury to Plaintiff's person and rights.



1 26. Defendants, **Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez**  
2 **(LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico (LAPD#**  
3 **27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive,** knowingly created  
4 situations which placed life threatening injuries upon Plaintiff and then failed to give their  
5 consent so Plaintiff could receive medical treatment. In failing to provide such consent  
6 Defendants did negligently, carelessly, and knowingly fail to summon medical assistance of any  
7 type for Plaintiff after inflicting the unprovoked and negligent beating upon Plaintiff, and said  
8 conduct was the proximate cause of the Plaintiff's physical and psychological injuries being  
9 aggravated.

10 27. Defendants, **City of Los Angeles, Sergeant Edward Ortiz (LAPD #23230), John Doe**  
11 **Sergeants 11 through 20, inclusive, John Doe Commanders 21 through 30, inclusive,**  
12 **John Doe Lieutenants 31 through 40, inclusive, Bernard Parks, William Williams, Herbert**  
13 **Boeckmann, Raymond C. Fisher, Dean Hansell, Deirdre Hughes Hill, T. Warren Jackson,**  
14 **Art Mattox, Edith Perez, James Fisk, Stephen Gavin, Gary Greenbaum, Maxwell**  
15 **Greenberg, Enrique Hernandez, Melanie Lomax, Stanley Sheinbaum, Barbara Lindemann**  
16 **Schlei, Robert Weil, Stephen Yslas, and Does 41 through 80, inclusive,** are directly liable and  
17 responsible for the acts of the former Defendants, because they failed to adequately supervise,  
18 discipline or in any other way control the latter mentioned Defendant's exercise of their unlawful  
19 use of excessive and lethal force, as well as the planting of evidence on Plaintiff and the  
20 consequent falsification of police reports.

21 28. Said Defendants, are directly liable and responsible for the acts of Defendants, **Officer**  
22 **Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe**  
23 **McNiel (LAPD #311038), Rafael Perez, Antonio Rico (LAPD# 27811), Officer Doe Vinton,**  
24 **and John Doe Officers 1 through 10, inclusive,** because the former mentioned Defendants,  
25 repeatedly did knowingly and negligently fail to enforce the laws of the State of California and  
26 the regulations, by failing to put an end to the corruption taking place within the department, by  
27 failing to discipline their officers.  
28



29. Such a failure to act created within the Los Angeles Police Department an atmosphere of lawlessness in which officers of said department, especially officers of the "CRASH" unit, employed excessive and illegal force and violence including deadly force, and the planting of evidence on innocent parties, under the belief such acts were condoned and justified by their supervisors. Consequently, Defendants, **City of Los Angeles, Sergeant Edward Ortiz (LAPD #23230), John Doe Sergeants 11 through 20, inclusive, John Doe Commanders 21 through 30, inclusive, John Doe Lieutenants 31 through 40, inclusive, Bernard Parks, William Williams, Herbert Boeckmann, Raymond C. Fisher, Dean Hansell, Deirdre Hughes Hill, T. Warren Jackson, Art Mattox, Edith Perez, James Fisk, Stephen Gavin, Gary Greenbaum, Maxwell Greenberg, Enrique Hernandez, Melanie Lomax, Stanley Sheinbaum, Barbara Lindemann Schlei, Robert Weil, Stephen Yslas, and Does 41 through 80, inclusive,** were or should have been aware of such unlawful acts and practices prior to and at the time of the unlawful acts committed against Plaintiff's person.

30. As a proximate result of the acts and omissions of all said Defendants and each of them, and of the physical injury inflicted on Plaintiff, as well as the planting of evidence on his person, Plaintiff has sustained extreme and severe mental anguish and pain and has been injured in mind and body all to Plaintiff's general damage according to proof.

31. The former mentioned Defendants also negligently hired and retained Defendants, **Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico (LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive,** and those LAPD investigators who investigated or failed to investigate the beatings inflicted upon Plaintiff as well as Plaintiff's account of the incidents of April 26, 1996. Therefore, said Defendants, knew or should have known these officers had on prior occasions used excessive force and/or had participated in the falsification of police reports, as well as the concealment and cover-up of police misconduct.

32. Defendants, **Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico (LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive,** are and at all time



relevant hereto. were duty-bound by Penal Code §118.1 not to author, accept, approve or otherwise ratify false or misleading police reports and were duty-bound by the Fourteenth Amendment of the U.S. Constitution to ensure Due Process.

33. Plaintiff is informed and believes and thereon alleges that on various occasion, including but not limited to April 26, 1996 and August 11, 1997, said Defendants negligently, without due care, approved the police reports manufactured by Defendants, **Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), and John Doe Officers 1 through 10, inclusive**, related to their arrests of Plaintiff and thereby negligently and carelessly ratified the wrongful arrest of Plaintiff. In doing so said Defendants also sanctioned the bringing of charges against Plaintiff as well as the plea bargain he was coerced to take and his subsequent imprisonment.

34. Defendants, **Sergeant Edward Ortiz (LAPD #23230), John Doe Sergeants 11 through 20, inclusive, John Doe Commanders 21 through 30, inclusive, John Doe Lieutenants 31 through 100, inclusive**, knew the aforementioned Defendants, were in the custom of making arrest without probable, planting and falsifying evidence, authoring false and misleading police reports.

35. Despite such knowledge, and in the absence of due care, Defendants, **Sergeant Edward Ortiz (LAPD #23230), John Doe Sergeants 11 through 20, inclusive, John Doe Commanders 21 through 30, inclusive, John Doe Lieutenants 31 through 100, inclusive**, routinely authorized false police reports without questioning Defendants, **Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico (LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive**, as to the contents of the report and without further investigating the veracity of the statements contained therein. Despite the fact the former mentioned Defendants knew of should have known said reports were false and misleading and the supporting evidence false, but failed to take any reasonable measures to reject the reports, as well as ensure the reports were not forwarded to the District Attorney's office for prosecution.



36. As a result of the lack of due care by All Defendants, Plaintiff was falsely, unjustly, unlawfully and unreasonably routinely brutally beaten and denied medical assistance, as well as charged with and forced to plead guilty to a crime Plaintiff did not commit. Consequently, Plaintiff, was made to lose his freedom and liberty, in violation of the Fourteenth Amendment's due process guarantees, and during which time he suffered, and continues to suffer, severe emotional and psychological pain, suffering, anguish, shock, and fear.

VI.

THIRD CAUSE OF ACTION

DEFAMATION

[As to Defendants, Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), and John Doe Officers 1 through 10, inclusive]

37. Plaintiff incorporates by reference into this Third, separate, and distinct cause of action, Paragraphs 1 through 36, as though set forth in full.

38. Defendants, **Defendants, Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), and John Doe Officers 1 through 10, inclusive**, falsely accused Plaintiff of having committed crimes, including the possession of 100 grams of cocaine with the intent to sell, and wrongfully and illegally planted upon Plaintiff's person.

39. Defendants **Defendants, Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), and John Doe Officers 1 through 10, inclusive**, authored false and misleading police reports in violated Penal Code § 118.1, in that statements made by said Defendants in their police reports falsely and maliciously stated Plaintiff, possessed cocaine with intent to sell. Plaintiff, did not in fact possess any cocaine at the time he was unlawfully and unreasonably taken into custody by said Defendants.

40. Said false statements and accusations were made by and disseminated by Defendants, **Defendants, Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), and John Doe Officers 1 through 10, inclusive**, to other police officers and police agencies, and made with the knowledge said statements and accusations would be disseminated to the public at large, and said statements and accusations were made with the intention they be republished.



41. Further, Defendants, **Defendants, Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), and John Doe Officers 1 through 10, inclusive**, communicated said false facts publicly and repeated the false accusations in the presence of other persons.

42. Said false statements by all Defendants were made for the purpose and with the intent of causing Plaintiff ridicule, humiliation and extreme embarrassment and cause damage to or loss of his reputation in his community.

43. Said false statements were made with the knowledge that they were false and were made maliciously and with the intent of embarrassing, ridiculing, and humiliating Plaintiff; accordingly, PLAINTIFF is entitled to punitive damages against said Defendants, **Defendants, Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), and John Doe Officers 1 through 10, inclusive**.

## VII.

### FOURTH CAUSE OF ACTION

#### FALSE IMPRISONMENT

[As to Defendants, Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), and John Doe Officers 1 through 10, inclusive]

44. Plaintiff incorporates by reference into this Fourth, separate, and distinct cause of action, Paragraphs 1 through 43, as though set forth in full.

45. The tortious and intentional acts of **Defendants, Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), and John Doe Officers 1 through 10, inclusive**, described in the Third Cause of action caused Plaintiff to forced to enter into a plea bargain, for a crime he did not committee, in order to avoid serving the longer term of incarceration with which he was threatened if he did not take a plea. Said plea bargain caused Plaintiff to wrongfully and unjustly imprisoned.

46. As a result of the acts and omissions of Defendants, **Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), and John Doe Officers 1 through 10, inclusive**, as described herein, Plaintiff lost his freedom and liberty, during which time he



1 suffered, and continues to suffer, severe emotional and psychological pain, suffering, anguish,  
2 shock, and fear.

3 47. The aforementioned acts of Defendants, **Lawrence Martinez (LAPD #27319), Officer**  
4 **Doe McNiel (LAPD #311038), and John Doe Officers 1 through 10, inclusive**, were at all  
5 times willful, wanton, malicious and oppressive, and knowingly done for the purpose of  
6 unlawfully and unreasonably imprisoning Plaintiff, thereby justifying the awarding of exemplary  
7 and punitive damages as to Defendants, **Lawrence Martinez (LAPD #27319), Officer Doe**  
8 **McNiel (LAPD #311038), and John Doe Officers 1 through 10, inclusive**.

9 **VIII.**

10 **FIFTH CAUSE OF ACTION**

11 **VIOLATION OF THE UNRUH CIVIL RIGHT ACT PROVISION:**

12 **THE RIGHT TO BE FROM VIOLENCE COMMITTED BECAUSE OF THE VICTIM'S**  
13 **COLOR, RACE, ANCESTRY, AND NATIONAL ORIGIN AND INTERFERENCE WITH**  
14 **THE ENJOYMENT OF RIGHTS SECURED BY THE U.S. CONSTITUTION AND THE**  
15 **CONSTITUTION AND LAWS OF THE STATE OF CALIFORNIA**

16 **[As to Defendants, Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez**  
17 **(LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico(LAPD#**  
18 **27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive]**

19 48. Plaintiff incorporates by reference into this Fifth, separate, and distinct cause of action,  
20 Paragraphs 1 through 47, as though set forth in full.

21 49. This action is brought pursuant to California Civil Code §§ 51.7, 52 and 21.1.

22 50. Plaintiff, Erwin Godinezis of Mexican ancestry.

23 51. Commencing on or about October 10, 1995 and continuing to and including April 26,  
24 1996, Plaintiff was subjected to violence and false accusations by Defendants, **Officer Doe**  
25 **Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe**  
26 **McNiel (LAPD #311038), Rafael Perez, Antonio Rico(LAPD# 27811), Officer Doe Vinton,**  
27 **John Doe Officers 1 through 10, inclusive, and each of them, in the form of;**  
28



- a. brutal beatings, which including the kicking, choking, striking and punching, of Plaintiff, which resulted in serious physical injuries, the denial of medical attention and psychological injuries; and
- b. the planting of false evidence, which lead to the forced plea bargain and consequent unlawful and unjustifiable incarceration, resulting in Plaintiff's lack of freedom and psychological injuries.

52. Defendants, **Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico(LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive**, brutally beat, planted evidence, falsified police reports to force Plaintiff to plea, because of Plaintiff's race, color, ancestry and national origin.

53. All of the above acts and omissions of Defendants, **Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico(LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive**, were, willful, wanton, malicious and oppressive, and knowingly done for the purpose of unlawfully and unreasonably imprisoning Plaintiff, thereby justifying the awarding of exemplary and punitive damages as to these Defendants.

54. The above acts of Defendants, **Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico(LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive**, violated the Unruh Civil Rights Act, Civil Code of California § 51.7, and by reasons of these facts and violations, Plaintiff is entitled to compensatory damages according to proof, punitive and exemplary damages, the cost of suit incurred in this action, reasonable attorney's fees, and any other additional relief the court deems proper.

#### IX.

#### SIXTH CAUSE OF ACTION

#### VIOLATION OF CONSTITUTIONAL RIGHT TO BE FREE FROM UNREASONABLE SEARCH AND SEIZURES



1 [As to Defendants, Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence  
2 Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio  
3 Rico(LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive]

4 55. Plaintiff incorporates by reference into this Sixth. separate. and distinct cause of action.  
5 Paragraphs 1 through 54, as though set forth in full.

6 60. This action is brought pursuant to 102 § 1983, and the Fourth Amendment of the United  
7 States Constitution.

8 61. Commencing on or about October 10, 1995 and continuing to and including April 26,  
9 1996, Erwin Godinez, the Plaintiff in this action, possessed the right, guaranteed by the Fourth  
10 Amendment of the United States Constitution, to be free from unreasonable seizures and  
11 searches by police officers acting under color of law.

12 62. Defendants, Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez  
13 (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico(LAPD#  
14 27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive, without a valid  
15 search or arrest warrant, and absent consent and exigent circumstances;

- 16 a. detain and enter Plaintiff's dwelling place, on a routine basis, for the sole purpose of  
17 brutally beating him with the intent of extracting information from him regarding  
18 gang activity in the area;
- 19 b. arrest Plaintiff without probable cause and proceed to plant false evidence on his  
20 person and falsify police reports, which lead to the unjust and unlawful incarceration  
21 of Plaintiff.

22 63. Thereafter, said Defendants, Officer Doe Cohen, Brian Hewitt (LAPD #27602),  
23 Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez,  
24 Antonio Rico(LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10,  
25 inclusive, violated Plaintiff's Fourth Amendment rights by unlawfully and unreasonably  
26 beating, denying medical attention, detaining, handcuffing, arresting and imprisoning Plaintiff  
27 without reasonable suspicion or probable cause.  
28



64. In doing these things. Defendants. **Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico(LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive,** acted specifically and intentionally to deny Plaintiff his constitutional rights under the Fourth Amendment to be free from unreasonable searches and seizures. Defendants subjected Plaintiff, to the aforementioned deprivations by either actual malice, deliberate indifference or a reckless disregard of his rights under the United States Constitution.

65. Defendants, **Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico(LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive,** acted at all times herein with the knowledge the established practices, customs, procedures and policies of the City of Los Angeles Police Department would allow a cover-up and allow the continued violation of Plaintiff's.

66. As a direct and proximate result of the aforementioned acts of Defendants, **Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico(LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive,** Plaintiff's constitutional rights were violated as previously described.

67. The aforementioned acts of Defendants, **Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico(LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive,** were, willful, wanton, malicious and oppressive, and knowingly done for the purpose of unlawfully and unreasonably imprisoning Plaintiff, thereby justifying the awarding of exemplary and punitive damages as to these Defendants.

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X.

SEVENTH CAUSE OF ACTION

VIOLATION OF CONSTITUTIONAL RIGHT TO BE FREE

FROM UNREASONABLE AND EXCESSIVE FORCE

[As to Defendants, Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico (LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive]

68. Plaintiff incorporates by reference into this Seventh, separate, and distinct cause of action, Paragraphs 1 through 67, as though set forth in full.

69. This action is brought pursuant to 102 U.S.C. § 1983, and the Fourth and Fourteenth Amendments of the United States Constitution.

70. Commencing on or about October 10, 1995 and continuing to and including April 26, 1996, Plaintiff, possessed the right, guaranteed by the Fourth and Fourteenth Amendments of the United States Constitution to be free from unreasonable seizures in the form of excessive force by police officers acting under color of law.

71. During said dates and locations, Defendants, Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico (LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive, were in the position and authority to lawfully intervene in and prevent the unjustified, unreasonable, unwarranted and unlawful seizing control of Plaintiff.

72. Defendants, Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico (LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive, having seized control of Plaintiff would proceed to brutally beat him by, kicking, punching, striking and choking Plaintiff with the sole purpose and intent of extracting information from him relating to gang activity in the area.

73. At no time did Plaintiff, assault said Defendants or anyone else, to justify the brutal beatings he received. On the contrary Plaintiff, was always unarmed, compliant and helpless.



1 Nevertheless Defendants, **Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence**  
2 **Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio**  
3 **Rico(LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive,**  
4 repeatedly apprehended Plaintiff, and on one occasion even entered a premises he was lawfully  
5 residing in at the time, for the same purposes as aforementioned. On all such occasions the  
6 actions of said Defendants was unjustified, unreasonable and unlawful under the circumstances  
7 and constituted an excessive use of force and power. Such action was in direct violation of the  
8 rights guaranteed to Plaintiff by the under the laws and Constitution of the United States, in  
9 particular the Fourth and Fourteenth Amendment of the United States Constitution.

10 74. After every incident in which Defendants, **Officer Doe Cohen, Brian Hewitt (LAPD**  
11 **#27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael**  
12 **Perez, Antonio Rico(LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10,**  
13 **inclusive,** seized and brutally beat Plaintiff, said Defendants then failed to promptly secure  
14 medical aid for Plaintiff.

15 75. Defendants, **Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez**  
16 **(LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico(LAPD#**  
17 **27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive,** acted specifically  
18 with the intent to deprive Plaintiff, Erwin GODINEZ, of the following constitutional rights  
19 guaranteed by the United States Constitution:

- 20 i. Right to be free from unreasonable searches and unreasonable seizures, in the form  
21 of excessive force used by police officers;  
22 ii. Freedom from a deprivation of liberty without due process of law; and  
23 iii. Freedom from summary punishment.

24 76. Defendants, **Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez**  
25 **(LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico(LAPD#**  
26 **27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive,** subjected Plaintiff to  
27 the aforementioned deprivations by either actual malice, deliberate indifference or a reckless  
28 disregard for Plaintiff's rights under the United States Constitution.



77. Defendants. **Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico (LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive**, acted with the knowledge that the established practices, customs, procedures and policies of the City of Los Angeles Police Department would allow a cover-up and allow the continued use of illegal force in violation of the Fourth Amendment of the United States Constitution.

78. As a direct and proximate result of the aforementioned acts of Defendants. **Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico (LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive**, Plaintiff suffered physical injuries to various parts of his body and head which caused him serious injuries, including physical, psychological and emotional impairments. Due to the unlawful and unreasonable acts of said Defendants, Plaintiff damages in an amount to be ascertained at trial.

79. The aforementioned acts of Defendants, **Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico (LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive**, were, willful, wanton, malicious and oppressive, and knowingly done for the purpose of unlawfully and unreasonably imprisoning Plaintiff, thereby justifying the awarding of exemplary and punitive damages as to these Defendants.

# **XI .**

## **EIGHT CAUSE OF ACTION**

### **FAILURE TO INTERVENE TO PREVENT CIVIL RIGHTS VIOLATION**

**[As to Defendants, Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico (LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive]**

80. Plaintiff incorporates by reference into this Eight, separate, and distinct cause of action, Paragraphs 1 through 79, as though set forth in full.

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1 81. This action is brought pursuant to 102 U.S.C. § 1983, and the Fourteenth Amendment of  
2 the United States Constitution, for violation of Plaintiff's procedural and substantive due process  
3 rights.

4 82. Commencing on or about October 10, 1995 and continuing to and including April 26,  
5 1996, at the times and places alleged herein, Defendants, **Officer Doe Cohen, Brian Hewitt**  
6 **(LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038),**  
7 **Rafael Perez, Antonio Rico (LAPD# 27811), Officer Doe Vinton, John Doe Officers 1**  
8 **through 10, inclusive,** were present at the immediate scene of the unlawful, unreasonable and  
9 unjustified routine beatings inflicted on Plaintiff, as well as during the planting of evidence on  
10 his person.

11 83. At said dates and locations, said Defendants were in the position and authority to lawfully  
12 intervene in and prevent the unjustified, unwarranted and unlawful beatings and planting of  
13 evidence of Plaintiff.

14 84. At said dates and locations, said Defendants had adequate and sufficient time,  
15 opportunity to intercede and prevent the unjustified, unwarranted and unlawful beatings and  
16 planting of evidence of Plaintiff, and in fact obligated to as peace officers under the United  
17 States Constitution and the laws of the State of California.

18 85. In addition on those dates and locations, in deliberate indifference to Plaintiff's life,  
19 health, well being and Constitutional rights, said Defendants, **Officer Doe Cohen, Brian Hewitt**  
20 **(LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038),**  
21 **Rafael Perez, Antonio Rico (LAPD# 27811), Officer Doe Vinton, John Doe Officers 1**  
22 **through 10, inclusive,** intentionally and with deliberate indifference to the civil rights of  
23 Plaintiff, refrained from intervening in said unjustified, unlawful, and unreasonable beatings of  
24 Plaintiff, failing to provide medical care, the planting of evidence on Plaintiff and subsequent  
25 false imprisonment of Plaintiff which resulted after.

26 86. As a result thereof, said Defendants unlawfully, unreasonably and unjustly imposed  
27 beatings on Plaintiff, failed to provide medical care, planted false evidence on Plaintiff, entered  
28



his lawful dwelling place and subsequently was falsely incarcerated all in violation of Plaintiff's rights under the United States Constitution.

87. Thereafter, Defendants, **Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico (LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive**, were in the position and authority to lawfully intervene in and prevent the unjustified and unwarranted forced plea bargain of Plaintiff. Said Defendants also failed to intervene in and prevent the unjustified and unwarranted plea and imprisonment of Plaintiff. After said plea, said Defendants were in the position and authority to stop the imprisonment of Plaintiff by revealing the falsity of the criminal allegations and evidence against Plaintiff but failed to do so and allowed Plaintiff to be wrongfully imprisoned.

88. The aforementioned acts and omissions of Defendants, were malicious, oppressive, willful, and wanton, thereby justifying the awarding of exemplary and punitive damages as to Defendants, **Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico (LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive**, were, willful, wanton, malicious and oppressive, and knowingly done for the purpose of unlawfully and unreasonably imprisoning Plaintiff, thereby justifying the awarding of exemplary and punitive damages as to these Defendants.

## XII.

### NINTH CAUSE OF ACTION

#### MUNICIPAL LIABILITY FOR VIOLATIONS OF CONSTITUTIONAL RIGHTS

[As to Defendants, **City of Los Angeles, Sergeant Edward Ortiz (LAPD #23230), John Doe Sergeants 11 through 20, inclusive, John Doe Commanders 21 through 30, inclusive, John Doe Lieutenants 31 through 40, inclusive, Bernard Parks, William Williams, Herbert Boeckmann, Raymond C. Fisher, Dean Hansell, Deirdre Hughes Hill, T. Warren Jackson, Art Mattox, Edith Perez, James Fisk, Stephen Gavin, Gary Greenbaum, Maxwell Greenberg, Enrique Hernandez, Melanie Lomax, Stanley Sheinbaum, Barbara Lindemann Schlei, Robert Weil, Stephen Yslas, and Does 41 through 80, inclusive]**

89. Plaintiff incorporates by reference into this Ninth, separate, and distinct cause of action, Paragraphs 1 through 87, as though set forth in full.



1 90. This action is brought pursuant to 102 U.S.C. § 1983 for violation of Plaintiff's rights  
2 under the Fourth and Fourteenth Amendments.

3 91. Commencing on or about October 10, 1995 and continuing to and including April 26,  
4 1996, Defendants, **Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez**  
5 **(LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico (LAPD#**  
6 **27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive,** and each of them,  
7 acting within the course and scope of their duties as peace officers of the City of Los Angeles,  
8 deprived Plaintiff, Erwin Godinez, of his rights to be free from unreasonable seizures, excessive  
9 force, and searches, and to be provided with reasonable medical attention and care as set forth  
10 above.

11 92. At the time of these constitutional violations by said police officer Defendants, **City of**  
12 **Los Angeles, Sergeant Edward Ortiz (LAPD #23230), John Doe Sergeants 11 through 20,**  
13 **inclusive, John Doe Commanders 21 through 30, inclusive, John Doe Lieutenants 31**  
14 **through 40, inclusive, Bernard Parks, William Williams, Herbert Boeckmann, Raymond C.**  
15 **Fisher, Dean Hansell, Deirdre Hughes Hill, T. Warren Jackson, Art Mattox, Edith Perez,**  
16 **James Fisk, Stephen Gavin, Gary Greenbaum, Maxwell Greenberg, Enrique Hernandez,**  
17 **Melanie Lomax, Stanley Sheinbaum, Barbara Lindemann Schlei, Robert Weil, Stephen**  
18 **Yslas, and Does 41 through 80, inclusive,** had in place, and had ratified, policies, procedures,  
19 customs and practices which permitted and encouraged their police officers to unjustifiably,  
20 unreasonably and in violation of the Fourth and Fourteenth Amendments, shoot persons, and  
21 specifically Latinos, as well as members of other minority groups.

22 93. Said policies, procedures, customs and practices also called for the City of Los Angeles,  
23 and its Police Department not to discipline, prosecute or objectively and/or independently  
24 investigate or in any way deal with or respond to known incidents, complaints, of wrongful  
25 shootings, falsification of evidence, the preparation of false police reports to justify such  
26 wrongful conduct, and the giving of false testimony in trial to cover-up and conceal such  
27 wrongful conduct by officers of the Los Angeles Police Department and for the City of Los  
28



1 Angeles to fail to objectively and/or independently investigate or in any way deal with or  
2 respond to or the related claims and lawsuits made as a result of such shootings and misconduct.

3 94. Said policies, procedures, customs and practices called for and led to the refusal of  
4 Defendants. City of Los Angeles, Sergeant Edward Ortiz (LAPD #23230), John Doe  
5 Sergeants 11 through 20, inclusive, John Doe Commanders 21 through 30, inclusive, John  
6 Doe Lieutenants 31 through 40, inclusive, Bernard Parks, William Williams, Herbert  
7 Boeckmann, Raymond C. Fisher, Dean Hansell, Deirdre Hughes Hill, T. Warren Jackson,  
8 Art Mattox, Edith Perez, James Fisk, Stephen Gavin, Gary Greenbaum, Maxwell  
9 Greenberg, Enrique Hernandez, Melanie Lomax, Stanley Sheinbaum, Barbara Lindemann  
10 Schlei, Robert Weil, Stephen Yslas, and Does 41 through 80, inclusive, to investigate  
11 complaints of previous incidents of excessive force, wrongful shootings, the filing of false police  
12 reports to conceal such misconduct, the falsification of evidence and perjury and, instead,  
13 officially claim that such incidents were justified and proper.

14 95. Said policies, procedures, customs and practices:

- 15 a. encouraged an atmosphere of lawlessness within the police department and to  
16 encouraged police officers to believe improper shooting of residents of Los  
17 Angeles County or persons present therein, including members of minority  
18 groups, was permissible;  
19  
20 b. allowed LAPD officers to believe unlawful acts of falsification of evidence and  
21 perjury would be overlooked without discipline or other official ramifications.

22 96. Said policies, procedures, customs and practices evidenced a deliberate indifference to  
23 the violations of the constitutional rights of Plaintiff, Erwin Godinez. This indifference was  
24 manifested by the failure to change, correct, revoke, or rescind said policies, procedures, customs  
25 and practices in light of prior knowledge by said Defendants, and their subordinate policymakers  
26 of indistinguishably similar incidents of unjustified and unreasonable police shootings,  
27 falsification of evidence, evidence tampering, submission of false police reports and perjury.  
28

///



1 97. Deliberate indifference to the civil rights of minority groups and other victims of the Los  
2 Angeles Police Department's excessive force and planting of evidence by their officers were also  
3 evidenced by said Defendants ignoring findings of the report by the Christopher Commission  
4 which found said policies, procedures, customs and practices to be in place, and found that there  
5 existed in the Los Angeles Police Department an environment and atmosphere which condoned  
6 unjustified and unreasonable police shootings, falsification of evidence, evidence tampering,  
7 submission of false police reports and perjury.

8 98. Deliberate indifference to the civil rights of minority groups and other victims of the Los  
9 Angeles Police Department's excessive force and officer-involved shootings was also evidenced  
10 by said Defendants, support of and participation in the proceedings to implement an injunction  
11 against a defined group of Latino men and women living in and around the west central Pico-  
12 Union area of Los Angeles by falsely alleging said individuals had participated in an organized  
13 and deliberate course of criminal conduct. Based upon the assistance, support and testimony of  
14 said Defendants, said injunction was granted and said Defendants then organized a deliberate and  
15 malicious plan, scheme and/or program to target said persons for harassment, arrest, detention,  
16 prosecution and imprisonment.

17 99. Said plan, scheme and/or program was carried out by the officers of the Los Angeles  
18 Police Department, including officers from the Los Angeles Police Department's "CRASH" unit,  
19 and Defendants, **Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez**  
20 **(LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico (LAPD#**  
21 **27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive,** and convictions under  
22 this injunction were obtained through falsified evidence, acts of evidence tampering and  
23 planting, authoring and presentation of false and misleading police reports, forced plea bargains  
24 and the presentation of false testimony at trial.

25 100. As a result of the aforementioned acts, omissions, systematic deficiencies, policies,  
26 procedures, customs and practices of said Defendants, Plaintiff was unlawfully, unreasonably  
27 and unlawfully routinely beat, arrested and incarcerated as a result of planted evidence, by those  
28 Defendants officer of the Los Angeles Police Department.



101. As a direct and proximate result of the aforementioned acts alleged herein, Plaintiff, suffered and continues to suffer from physical, emotional and psychological injuries. As a result Plaintiff did and has suffered damages to be ascertained at trial. As a result of the acts and omissions, policies, practices, and customs alleged, Plaintiff was also wrongfully and maliciously forced to enter a plea bargains, for which he was imprisoned on numerous occasions, as a result of the presentation of falsified evidence and police reports.

102. The aforementioned acts of said Defendants, were, willful, wanton, malicious and oppressive, and knowingly done for the purpose of unlawfully and unreasonably imprisoning Plaintiff, thereby justifying the awarding of exemplary and punitive damages as to these Defendants.

# IX.

## ELEVENTH CAUSE OF ACTION

### CONSPIRACY TO CONCEAL THE VIOLATION OF PLAINTIFF'S CONSTITUTIONAL RIGHTS

**[As to Defendants, Sergeant Edward Ortiz (LAPD #23230), John Doe Sergeants 11 through 20, inclusive, John Doe Commanders 21 through 30, inclusive, John Doe Lieutenants 31 through 40, inclusive, Does 41 through 80, inclusive]**

103. Plaintiff incorporates by reference into this Eleventh, separate, and distinct cause of action, Paragraphs 1 through 104, as though set forth in full.

105. This action is brought pursuant to 102 U.S.C. § 1983 for violation of Plaintiff's rights under the Fourth and Fourteenth Amendments of the United States Constitution.

106. Commencing on or about October 10, 1995 and continuing through April 26, 1996, and subsequent thereto, in the State of California, City and County of Los Angeles, Defendants, **Sergeant Edward Ortiz (LAPD #23230), John Doe Sergeants 11 through 20, inclusive, John Doe Commanders 21 through 30, inclusive, John Doe Lieutenants 31 through 40, inclusive, and Does 41 through 80**, conspired together to act and to fail and omit to act, as herein before alleged, for the purpose of impeding, hindering, obstructing, and defeating the due course of justice in the State of California and the County of Los Angeles in the investigation of the



1 unlawful arrest of Plaintiff, for the purpose of concealing and covering-up constitutional  
2 violations alleged in the First, Second and Fourth Causes of Actions herein. and for the purpose  
3 of denying Plaintiff his rights to due process.

4 107. Said Defendants, and each of them, along with other co-conspirators purposefully, under  
5 color of law, planned and intended to deny Plaintiff the equal protection of the laws and injure  
6 Plaintiff by denying him the following rights:

- 7 a. to be free from unreasonable seizures by the infliction of excessive force through an  
8 unjustified, unreasonable, and unlawful arrest and charges and the intended infliction  
9 of physical punishment on his person;
- 10 b. not to be deprived of life and liberty without the due process of law;
- 11 c. the right against cruel and unusual punishment. and
- 12 d. the right to be free from unwarranted state interference in one's familial relationships.

13 108. In doing so said Defendants, two or more of them, conspired for the purpose of depriving  
14 Plaintiff of equal protection of the laws and of the equal protection and immunities under the  
15 law; and preventing and hindering the constituted authorities, including but not limited to , the  
16 Los Angeles County District Attorney, the State of California and the Federal Bureau of  
17 Investigation from giving and securing Plaintiff's equal protection of the law and preventing  
18 deprivation of liberty and property without due process of law.

19 109. Said Defendants, and each of them, did and cause to be done, and act or acts in  
20 furtherance of the object of the conspiracy, as enumerated in the Sixth, Seventh, Eight and Tenth  
21 cause of action herein, whereby Plaintiff was deprived of the rights and privileges as set forth  
22 above. These acts included said Defendants fraudulently and unlawfully placing evidence,  
23 including cocaine and a firearm, upon the person of Plaintiff and falsely and fraudulently  
24 authoring and filing false police reports in violation of Penal Code § 118.1 to conceal and justify  
25 police misconduct, knowingly approving false reports, giving false and deliberately misleading  
26 and perjurious statements to investigators, giving false and perjurious testimony in the  
27 investigation of the incidents and as part of the related criminal proceedings, as well as in  
28



1 Plaintiff's forced pleadings and failing to discipline and recommend for the prosecution officers  
2 committing such misconduct.

3 110. By virtue of the foregoing, said Defendants, and each of them, Plaintiff's procedural and  
4 substantive due process rights under the Fourteenth Amendment. Notwithstanding the duties  
5 owed to Plaintiff, these Defendants, and each of them, with deliberate indifference to the  
6 constitutional rights of Plaintiff, failed and refused to prevent the wrongs conspired to be  
7 committed against Plaintiff, despite their ability and duty to do so.

8 111. As a direct and proximate result of the foregoing, Plaintiff has been damaged as recited  
9 herein above, entitling Plaintiff to special, general and punitive damages and attorney's fees.

10 112. The aforementioned acts of Defendants, **Sergeant Edward Ortiz (LAPD #23230), John**  
11 **Doe Sergeants 11 through 20, inclusive, John Doe Commanders 21 through 30, inclusive,**  
12 **John Doe Lieutenants 31 through 40, inclusive,** were, willful, wanton, malicious and  
13 oppressive, and knowingly done for the purpose of unlawfully and unreasonably imprisoning  
14 Plaintiff, thereby justifying the awarding of exemplary and punitive damages as to these  
15 Defendants.

16 **X.**

17 **TWELVETH CAUSE OF ACTION**

18 **CONSPIRACY, VIOLATION OF 102 U.S.C. §§1985 (2) 1985 (3) AND 1986**

19 **[As to Defendants, Sergeant Edward Ortiz (LAPD #23230), John Doe Sergeants 11**  
20 **through 20, inclusive, John Doe Commanders 21 through 30, inclusive, John Doe**  
21 **Lieutenants 31 through 40, inclusive,**

22 113. Plaintiff incorporates by reference into this Twelfth, separate, and distinct cause of  
23 action. Paragraphs 1 through 112, as though set forth in full.

24 114. This action is brought pursuant to 102 U.S.C. § 1983, § 1985 and the First and  
25 Fourteenth Amendments of the United States Constitution.

26 115. Commencing on or about October 10, 1995 and subsequent thereto, in the State of  
27 California, County and City of Los Angeles, Defendants, **Sergeant Edward Ortiz (LAPD**  
28 **#23230), John Doe Sergeants 11 through 20, inclusive, John Doe Commanders 21 through**



1 **30, inclusive, John Doe Lieutenants 31 through 40, inclusive,** and each of them, and by reason  
2 of animus against minorities, including Plaintiff herein, as members of a discernible and  
3 recognized group of persons characterized as Latino and/or Hispanic, and hatred of same.  
4 conspired together to act and to fail and omit to act as herein before alleged, for the foregoing  
5 reasons:

- 6 a. impeding, hindering, obstructing, and defeating the due course of justice in the State  
7 of California and the County of Los Angeles;
- 8 b. to use unreasonable force and violence upon and against said persons and Plaintiff;
- 9 c. to deny equal protection of the laws to said persons and Plaintiff; and
- 10 d. to subject said persons and Plaintiff to excessive force and unreasonable seizure, and  
11 to unlawfully and unjustifiably secure his imprisonment.

12 116. Said Defendants, and each of them, along with other co-conspirators purposefully, under  
13 color of law, planned and intended to deny Plaintiff the equal protection of the laws and injure  
14 Plaintiff in the following respects:

- 15 a. to deny the right to be free from unreasonable seizures by the infliction of excessive  
16 force through an unjustified and unreasonable search, seizure and arrest of Plaintiff  
17 and the intended infliction of physical punishment upon his person;
- 18 b. to deny the right not to be deprived of life and liberty without due process of law;
- 19 c. to deny the right against cruel and unusual punishment;
- 20 d. to deny the right to be free from unwarranted state interference in one's familial  
21 relationships; and
- 22 e. to deny the right to be free from unwarranted state interference with one's right to  
23 freely associate with others.

24 117. By virtue of the foregoing, said Defendants and two or more of them conspired for the  
25 purpose of:

- 26 a. depriving Plaintiff of equal protection of the laws and equal protection and  
27 immunities under the law; and



b. preventing and hindering the constituted authorities, including but not limited to the Los Angeles County District Attorney, the State of California and the Federal Bureau of Investigation for giving and securing Plaintiff equal protection of the law and preventing deprivation of liberty and property without due process of law.

118. Said Defendants, and each of them, did and caused to be done, an act or acts in furtherance of the object of the conspiracy, as enumerated in the Sixth, Seventh, Eighth, Ninth, Eleventh, and Thirteenth cause of action, herein, whereby Plaintiff was deprived of the rights and privileges as set forth above.

119. By virtue of the foregoing, said Defendants, and each of them, violated 102 U.S.C. §§ 1985(2) and 1985(3).

120. Notwithstanding the duties owed to Plaintiff, said Defendants, and each of them, with deliberate indifference to the constitutional rights of Plaintiff, failed and refused to prevent the wrongs conspired to be committed against Plaintiff, despite their ability and duty to do so.

121. The aforementioned acts of Defendants, **Sergeant Edward Ortiz (LAPD #23230), John Doe Sergeants 11 through 20, inclusive, John Doe Commanders 21 through 30, inclusive, John Doe Lieutenants 31 through 40, inclusive,** were, willful, wanton, malicious and oppressive, and knowingly done for the purpose of unlawfully and unreasonably imprisoning Plaintiff, thereby justifying the awarding of exemplary and punitive damages as to these Defendants.

## XI.

### THIRTEENTH CAUSE OF ACTION

#### MALICIOUS PROSECUTION AND FALSE IMPRISONMENT

[As to Defendants, **Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico (LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive]**

122. Plaintiff incorporates by reference into this Thirteenth, separate, and distinct cause of action, Paragraphs 1 through 121, as though set forth in full.

///



1 123. This action is brought pursuant to 102 U.S.C. § 1983 and Fourteenth Amendment of the  
2 United States Constitution for violation of due process resulting from malicious prosecution and  
3 false imprisonment.

4 124. As set above, Plaintiff was wrongfully and unlawfully charged of crimes he did not  
5 commit and without probable cause was arrested, charged, and forced to plead and convicted  
6 based upon the false charges, statements, police reports, evidence and testimony presented by  
7 **Defendants, Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD**  
8 **#27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico (LAPD# 27811),**  
9 **Officer Doe Vinton, John Doe Officers 1 through 10, inclusive,** in violation of Penal Code §  
10 118.1, filed materially false police reports accusing Plaintiff of possessing cocaine, with intent to  
11 sell, tampering with identification marks on a firearm and battery, made materially false  
12 statements to investigators and prosecutors that Plaintiff had, and presented falsified evidence in  
13 the form of a cocaine and a firearm, which they falsely planted upon and attributed to Plaintiff,  
14 all for the purpose of having Plaintiff wrongfully, unjustly and falsely charged with crimes thus  
15 ensuring Plaintiff would be falsely and wrongfully prosecuted. Thereafter, said Defendants gave  
16 whatever false reports, statements and testimony necessary to have Plaintiff falsely and  
17 wrongfully convicted of crimes.

18 125. At no time did **Defendants, Officer Doe Cohen, Brian Hewitt (LAPD #27602),**  
19 **Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez,**  
20 **Antonio Rico (LAPD# 27811), Officer Doe Vinton, John Doe Officers 1 through 10,**  
21 **inclusive,** have probable cause to arrest and charge Plaintiff for any crimes or to recommend  
22 that he be prosecuted. Notwithstanding this, with malice and conscious disregard for his rights  
23 to due process, said Defendants presented the above false evidence and recommended Plaintiff  
24 be charged and prosecuted and thereafter meaningfully participated in his prosecution to ensure  
25 this wrongful conviction and wrongful imprisonment.

26 126. As a result of the above-described acts and misconduct, Plaintiff was wrongfully and  
27 unjustly convicted of various felony, causing Plaintiff to be wrongfully sentenced during the  
28 aforementioned time periods.



127. The aforementioned acts of Defendants, Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNiel (LAPD #311038), Rafael Perez, Antonio Rico (LAPD #27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive were, willful, wanton, malicious and oppressive, and knowingly done for the purpose of unlawfully and unreasonably imprisoning Plaintiff, thereby justifying the awarding of exemplary and punitive damages as to these Defendants.

## XII.

### PRAYER

WHEREFORE, Plaintiff, Erwin Godinez, demands the following relief, jointly and severally, against all the Defendants with respect to all causes of action stated herein:

- a. Compensatory general and special damages in an amount in accordance with proof;
- b. Exemplary damages, against each of the police officers, supervisory and policy maker Defendants, as set fourth in each cause of action, in an amount sufficient to deter and make an example of said Defendants;
- c. Reasonable attorney's fees and expenses of litigation as provided for under 102 U.S.C. § 1988;
- d. Costs of suit necessarily incurred herein;
- e. Damages, fees and costs as permitted by the Unruh Civil Rights Act and California Civil Code §§ 51.7, 52 and 52.1
- f. Prejudgment interest; and
- g. Such further relief as the Court deems just and proper.

DATED: Wednesday, July 05, 2000

NGYUEN, GARZA & PEREZ LLP

  
By: PATRICIA N. CARLOS





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~~AM~~ ~~DED~~**SUMMONS**  
(CITACION JUDICIAL)

Amended Complaint

**NOTICE TO DEFENDANT: (Aviso a Acusado)**

City of Los Angeles, Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNeil (LAPD #31438), Rafael Perez, Antonio Rico (LAPD#27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive,

**YOU ARE BEING SUED BY PLAINTIFF** **REFERRED TO CITY ATTORNEY**  
(A Ud. le esta demandando) **FOR DISPOSITION**  
Erwin Godinez

AUG 18 2000

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

RECEIVED  
CITY CLERK'S OFFICE  
00 AUG 18 AM 11:45  
BY CITY CLERK  
DUE CITY

You have **30 CALENDAR DAYS** after this summons is served on you to file a typewritten response at this court.

A letter or phone call will not protect you; your typewritten response must be in proper legal form if you want the court to hear your case.

If you do not file your response on time, you may lose the case, and your wages, money and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

**Después de que le entreguen esta citación judicial usted tiene un plazo de 30 DIAS CALENDARIOS para presentar una respuesta escrita a máquina en esta corte.**

**Una carta o una llamada telefónica no le ofrecerá protección; su respuesta escrita a máquina tiene que cumplir con las formalidades legales apropiadas si usted quiere que la corte escuche su caso.**

**Si usted no presenta su respuesta a tiempo, puede perder el caso, y le pueden quitar su salario, su dinero y otras cosas de su propiedad sin aviso adicional por parte de la corte.**

**Existen otros requisitos legales. Puede que usted quiera llamar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de referencia de abogados o a una oficina de ayuda legal (vea el directorio telefónico).**

The name and address of the court is: (El nombre y dirección de la corte es)

**SUPERIOR COURT CENTRAL**  
**111 N. Hill Street**

Same

**Los Angeles, CA 90012-3117**  
**CENTRAL DISTRICT**

CASE NUMBER (Numero del Caso)

BC228989

Hon. Mel Recana

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es)

714 481-3080

**Jose Perez** **SBN 171438**  
**NGUYEN, GARZA & PEREZ LLP**  
**17341 Irvine Blvd., Suite 205**  
**Tustin, California 92780**

**JOHN A. CLARKE, CLERK**

DATE: **JUL 10 2000**  
(Fecha)

Clerk, by **E. DILL**, Deputy  
(Actuario) (Delegado)

(SEAL)

**NOTICE TO THE PERSON SERVED: You are served**

1. ☐ as an individual defendant.  
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): **City of Los Angeles**

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (individual)

4. ☒ by personal delivery on (date): **8-18-2000**

**DEFENDANTS****EXHIBIT B PAGE 36**



SHORT TITLE: Godinez vs. City of Los Angeles	CASE NUMBER: BC228989
--	--------------------------

## INSTRUCTIONS FOR USE

This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons. If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☐ Plaintiff ☒ Defendant ☐ Cross-Complainant ☐ Cross-Defendant

Sergeant Edward Ortiz (LAPD#23230), John Doe Sergeants 11 through 20, inclusive, John Doe Commanders 21 through 30, inclusive, John Doe Lieutenants 31 through 40, inclusive, Bernard Parks, William Williams, Richard Riordan, Herbert Boeckmann, Raymond C. Fisher, Dean Hansell, Deirdre Hughes Hill, T. Warren Jackson, Art Mattox, Edith Perez, James Fisk, Stephen Gavin, Gary Greenbaum, Maxwell Greenberg, Enrique Hernandez, Melanie Lomax, Stanley Sheinbaum, Barbara Lindemann Schlei, Robert Weil, Stephen Yslas and Does 41 through 80, inclusive, Defendants.

DEFENDANTS Page 2 of 2





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**AMENDED SUMMONS**  
 (CITACION JUDICIAL)

Amended Complaint

**NOTICE TO DEFENDANT: (Aviso a Acusado)**

City of Los Angeles, Officer Doe Cohen, Brian Hewitt (LAPD #27602), Lawrence Martinez (LAPD #27319), Officer Doe McNeil (LAPD #31438), Rafael Perez, Antonio Rico (LAPD#27811), Officer Doe Vinton, John Doe Officers 1 through 10, inclusive,

**YOU ARE BEING SUED BY PLAINTIFF:**

(A Ud. le esta demandando)

Erwin Godinez

FOR COURT USE ONLY  
 (SOLO PARA USO DE LA CORTE)

You have **30 CALENDAR DAYS** after this summons is served on you to file a typewritten response at this court.

A letter or phone call will not protect you; your typewritten response must be in proper legal form if you want the court to hear your case.

If you do not file your response on time, you may lose the case, and your wages, money and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

**Después de que le entreguen esta citación judicial usted tiene un plazo de 30 DIAS CALENDARIOS para presentar una respuesta escrita a máquina en esta corte.**

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**Si usted no presenta su respuesta a tiempo, puede perder el caso, y le pueden quitar su salario, su dinero y otras cosas de su propiedad sin aviso adicional por parte de la corte.**

**Existen otros requisitos legales. Puede que usted quiera llamar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de referencia de abogados o a una oficina de ayuda legal (vea el directorio telefónico).**

The name and address of the court is: (El nombre y dirección de la corte es)

SUPERIOR COURT CENTRAL  
 111 N. Hill Street  
 Same  
 Los Angeles, CA 90012-3117  
 CENTRAL DISTRICT

CASE NUMBER (Numero del Caso)

BC228989

Hon. Mel Recana

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es)

714 481-3080

Jose Perez SBN 171438  
 NGUYEN, GARZA & PEREZ LLP  
 17341 Irvine Blvd., Suite 205  
 Tustin, California 92780

**JOHN A. CLARKE, CLERK**

DATE: JUL 10 2008

(Fecha)

Clerk, by

(Actuario)

**E. DILL**

, Deputy

(Delegado)

[SEAL]

**NOTICE TO THE PERSON SERVED: You are served**

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☒ on behalf of (specify): *Richard R. Roodin*

**DEFENDANTS**

**EXHIBIT C PAGE 38**

- under:
- |  |   |
|--|---|
| <input type="checkbox"/> CCP 416.10 (corporation)                | <input type="checkbox"/> CCP 416.60 (minor)                 |
| <input type="checkbox"/> CCP 416.20 (defunct corporation)        | <input type="checkbox"/> CCP 416.70 (conservatee)           |
| <input type="checkbox"/> CCP 416.40 (association or partnership) | <input checked="" type="checkbox"/> CCP 416.90 (individual) |
| <input type="checkbox"/> other:                                  |   |

4. ☒ by personal delivery on (date): *5-15-2008*

(See reverse for Proof of Service)

**SUMMONS**



CCP 412.20



SHORT TITLE: Godinez vs. City of Los Angeles	CASE NUMBER: BC228989
--	--------------------------

## INSTRUCTIONS FOR USE

This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons. If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☐ Plaintiff ☒ Defendant ☐ Cross-Complainant ☐ Cross-Defendant

Sergeant Edward Ortiz (LAPD#23230), John Doe Sergeants 11 through 20, inclusive, John Doe Commanders 21 through 30, inclusive, John Doe Lieutenants 31 through 40, inclusive, Bernard Parks, William Williams, Richard Riordan, Herbert Boeckmann, Raymond C. Fisher, Dean Hansell, Deirdre Hughes Hill, T. Warren Jackson, Art Mattox, Edith Perez, James Fisk, Stephen Gavin, Gary Greenbaum, Maxwell Greenberg, Enrique Hernandez, Melanie Lomax, Stanley Sheinbaum, Barbara Lindemann Schlei, Robert Weil, Stephen Yslas and Does 41 through 80, inclusive, Defendants.

Page 2 of 2



**PROOF OF SERVICE BY MAIL**  
**(Business Practice to Entrust Deposit to Others)**  
**(C.C.P. Section 1013a(3))**

I, Caroline N. Castillo, declare as follows:

I am over the age of 18 years, and not a party to this action. My business address is 200 North Main Street, 1700 City Hall East, Los Angeles, California, which is located in the county where the mailing described below took place.

I am readily familiar with the business practice at my place of business for collection and processing or correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.

On August 23, 2000, at my place of business at 200 North Main Street, 1700 City Hall East, Los Angeles, California, a copy of the attached **NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. §§ 1441(a) AND 1446 (c)** was placed for deposit in the United States Postal Service in a sealed envelope, with postage fully prepaid, addressed to:

**Jose Perez, Esq.**  
**Nguyen, Garza & Perez LLP**  
**17341 Irvine Blvd, Suite 205**  
**Tustin, California 92780**

and that envelope was placed for collection and mailing on that date following ordinary business practices.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 23, 2000, at Los Angeles, California.



Caroline N. Castillo  
Declarant

[Query](#) [Reports](#) [Utilities](#) [Help](#) [Log Out](#)

(AJWx),CLOSED,REMANDED

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)  
CIVIL DOCKET FOR CASE #: 2:00-cv-08962-GAF-AJWX**

Erwin Godinez v. Los Angeles City of, et al  
Assigned to: Judge Gary A. Feess  
Referred to: Discovery Andrew J. Wistrich  
Demand: \$0  
Case in other court: LA Cnty Supr Crt, BC228989  
Cause: 28:1441 Notice of Removal - Civil Rights Act

Date Filed: 08/23/2000  
Date Terminated: 04/04/2001  
Jury Demand: Defendant  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Erwin Godinez**

represented by **Jose Perez**  
Law Offices of Jose Perez APC  
714 West Olympic Boulevard Suite 450  
Los Angeles, CA 90015  
213-748-1823  
Fax: 213-748-5792  
Email: jose@jperezlawfirm.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Patricia N Carlos**  
Nguyen Garza & Perez  
17341 Irvine Blvd  
Ste 205  
Tustin, CA 92780  
714-481-3080  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Paul C Supple**  
Paul Supple Law Offices  
1815 North Broadway  
Santa Ana, CA 92706  
714-480-0050  
Fax: 714-480-0055  
Email: suppllaw@sbcglobal.net  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**City of Los Angeles**

represented by **Cecil W Marr**  
Los Angeles City Attorney's Office  
Dept. of Water and Power



111 North Hope Street  
Room 340  
Los Angeles, CA 90051-0100  
213-367-4650  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael J Irwin**  
Los Angeles City Attorney's Office  
City Hall East  
200 North Main Street 7th Floor  
Los Angeles, CA 90012-4130  
213-978-8235  
Fax: 213-978-2211  
Email: michael.irwin@lacity.org  
*LEAD ATTORNEY*  
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**Paul N Paquette**  
Office of the City Attorney/DWP  
111 N. Hope Street, Suite 340  
Los Angeles, CA 90012  
213-367-4591  
Fax: 213-367-4588  
Email: paul.paquette@ladwp.com  
*LEAD ATTORNEY*

**Defendant**

**Doe Cohen**  
*Officer*

**Defendant**

**Brian Hewitt**  
*(LAPD #27602)*

**Defendant**

**Lawrence Martinez**  
*(LAPD #27319)*

**Defendant**

**Doe McNiel**  
*Officer (LAPD #311038)*

**Defendant**

**Rafael Perez**

**Defendant**

**Antonio Rico**  
*(LAPD #27811)*

**Defendant**

**Doe Vinton**  
*Officer*

**Defendant**

**John Doe**

*Officers 1 through 10*

**Defendant**

**Edward Ortiz**

*Sergeant (LAPD #23230)*

**Defendant**

**John Doe**

*Sergeants 11 through 20, inclusive*

**Defendant**

**John Doe**

*Commanders 21 through 30, inclusive*

**Defendant**

**John Doe**

*Lieutenants 31 through 100, inclusive*

**Defendant**

**Bernard Parks**

represented by **Cecil W Marr**  
(See above for address)  
*LEAD ATTORNEY*

**Michael J Irwin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Paul N Paquette**  
(See above for address)  
*LEAD ATTORNEY*

**Defendant**

**William Williams**

represented by **Cecil W Marr**  
(See above for address)  
*LEAD ATTORNEY*

**Michael J Irwin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Paul N Paquette**  
(See above for address)  
*LEAD ATTORNEY*

**Defendant**

**Richard Riordan**

represented by **Cecil W Marr**  
(See above for address)  
*LEAD ATTORNEY*



*ATTORNEY TO BE NOTICED*

**Michael J Irwin**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Defendant**

**Herbert Boeckmann**

**Defendant**

**Raymond C Fisher**

**Defendant**

**Dean Hansel**

**Defendant**

**Deirdre Hughes Hill**

**Defendant**

**T Warren Jackson**

**Defendant**

**Art Mattox**

**Defendant**

**Edith Perez**

**Defendant**

**James Fisk**

**Defendant**

**Stephen Gavin**

**Defendant**

**Gary Greenbaum**

**Defendant**

**Enrique Hernandez**

**Defendant**

**Melanie Lomax**

**Defendant**

**Stanley Sheinbaum**

**Defendant**

**Barbara Lindemann Schlei**

**Defendant**

**Robert Weil**

**Defendant****Stephen Yslas****Defendant****Does***41-80, inclusive*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
08/23/2000	1	NOTICE OF REMOVAL by defendant Los Angeles City of, defendant Richard Riordan from :LA Cnty Supr Crt( Case Number: BC228989) with copy summons and 1st amended complaint referred to Discovery Ralph Zarefsky . (jag) (Entered: 08/28/2000)
08/23/2000	2	CERTIFICATE OF INTERESTED PARTIES filed by defendant Los Angeles City of, defendant Richard Riordan (jag) (Entered: 08/28/2000)
08/23/2000	3	CERTIFICATION OF SERVICE by defendant Los Angeles City of on 8/23/00 of ntc of adverse pty of rmvl to fed crt. (yc) (Entered: 08/29/2000)
08/25/2000	4	CERTIFICATON OF INTERESTED PARTIES filed by defendant Los Angeles City of, defendant Bernard Parks, defendant Richard Riordan (yc) (Entered: 08/29/2000)
08/25/2000	5	NTC OF JOINDER by defendant Los Angeles City of, defendant Bernard Parks, defendant Richard Riordan joining removal complaint [1-1] (yc) (Entered: 08/29/2000)
08/31/2000	6	CERTIFICATION OF INTERESTED PARTIES filed by defendant Los Angeles City of, defendant Bernard Parks, defendant Richard Riordan (yc) (Entered: 09/01/2000)
08/31/2000	7	REQUEST by defendants Los Angeles City of, Bernard Parks, Richard Riordan for judicial ntc, memo of p/a (yc) (Entered: 09/01/2000)
08/31/2000	8	NOTICE OF MOTION AND MOTION by defendant Los Angeles City of, defendant Bernard Parks, defendant Richard Riordan to dismiss first A/C for failure to state a clm for relief ; motion hearing set for 10:00 10/16/00 (yc) (Entered: 09/01/2000)
09/05/2000	<a href="#">9</a>	ORDER TO REASSIGN CASE PURSUANT To Section 5.1/5.6 of General Order 224 by Judge Terry J. Hatter, Jr., Chief US District Judge & Judge Lourdes G. Baird , Chair of the Related Case Assignment Committee. Reassigning all related cases commonly referred to as the "Rampart Division Cases"to Judge Gary A. Feess to hear all proceedings through pretrial or for as long as the Judge deems appropriate. Any disc matters will be referred to Discovery Andrew J. Wistrich . The case number will now reflect the initials of the transferee Judge [ CV 00-8962 GAF (AJWx)] [ Related Group Ctrl No.: CV 99-11629 GAF (AJWx)] (cc: all counsel) (rn) (Entered: 09/06/2000)
09/08/2000	<a href="#">10</a>	MINUTES: (IN CHAMBERS): Cnsl having previously rcvd the Crts Ord to reassign case purs to Section 5.6 of Gen Ord 224, all pending "Rampart Division Cases" not previously stayed heretofore are stayed until advised to the contrary by Judge Gary A. Feess CR: Not Present (rrey) (Entered: 09/12/2000)
09/12/2000	<a href="#">11</a>	MINUTES: (IN CHAMBERS) Attch hereto is a list of cases that have been reassigned to this Crt. Crt ORD the LA City Atty's Office to prov the Crt w/info re req identification re Rampart Cases (See doc for specifics); City Atty's resp to be fld & Crt NLT 9/29/00 & svd on all pty's in ea of the listed case IT IS SO ORD by Judge Gary A. Feess CR: Not Present (ir) (Entered: 09/13/2000)
09/24/2000	<a href="#">12</a>	MINUTES: (IN CHAMBERS) From this point forward, in each case in which dft City of Los Angeles arranges for the retention of sep cnsl for individual police officers, the City



		Attys Ofc is to notify the Crt forthwith; the info is to be provided to the Crt in pleading format NLT 10/6/00 IT IS SO ORD by Judge Gary A. Feess CR: Not Present (rrey) (Entered: 09/25/2000)
09/27/2000	<a href="#">14</a>	MINUTES: (In Chambers) re plf Raul Rodriguez Jrs req to the Crt to lift its stay for the purpose of permitting him to move for P/I; The Crt believes that such actn would be ill-advised; Acc, the Crt declines, at this time, to lift its stay (see doc for fur details) IT IS SO ORD by Judge Gary A. Feess CR: None (rrey) (Entered: 10/04/2000)
09/29/2000	13	RESPONSE by defendants Los Angeles City of, Bernard Parks, William Williams to Crts 9/12/00 MO [11-1] ; attachment 1 (rrey) (Entered: 10/02/2000)
10/04/2000	<a href="#">15</a>	MINUTES: (In Chambers) Plf is ORD to show cause by 10/23/00 why this case should not be dism purs to the rule stated in Heck v Humphry IT IS SO ORD by Judge Gary A. Feess CR: None (rrey) (Entered: 10/05/2000)
10/04/2000	<a href="#">16</a>	NOTICE TO COUNSEL re dispute resolution procedure by Judge Gary A. Feess (see doc for fur details) (rrey) (Entered: 10/05/2000)
10/06/2000	<a href="#">17</a>	MINUTES: (IN CHAMBERS) Attch is the list of retired judges inadvertently omitted from the prev fld Ntc to Cnl Re Dispute Resolution Proc which was disseminated by the Crt on 10/4/00 by Judge Gary A. Feess CR: NOT PRESENT (PSEND) (ir) (Entered: 10/10/2000)
10/19/2000	18	RESPONSE by defendant Los Angeles City of, defendant Bernard Parks, defendant Richard Riordan re minutes [12-1] (yl) (Entered: 10/20/2000)
10/19/2000	<a href="#">19</a>	ORDER by Judge Gary A. Feess re ntc of cnsl. It has come to the crt attetion that there may be some attys who are involved in the Rampart related litigation who may be unaware that Judge Fees is married to a Deputy Dist atty working in the LA Cnty Dist atty's office. The crt does not believed that this requires self-recusal and the crt declines to take such actn. Any pty who disagrees and believes that this is ground for recusal shld make an appropriate mot at the earliest possible date. (SEE DOC FOR FURTHER ORDER(ENTER 10/20/00) (yc) (Entered: 10/20/2000)
10/23/2000	<a href="#">20</a>	ORDER by Judge Gary A. Feess partially lifting stay of proceedings to permit plf to complete the svc of S/C on all dfts (rrey) (Entered: 10/24/2000)
10/23/2000	21	RESPONSE by plaintiff to order to show cause by 10/23/00 why this case should not be dism purs to the rule stated in Heck v Humphry [15-1] (rrey) (Entered: 10/24/2000)
10/26/2000	<a href="#">23</a>	GENERAL NOTICE OF STATUS CONFERENCE by Judge Dickran Tevrizian status conf set on 9:00 12/18/00 (rrey) (Entered: 10/30/2000)
10/27/2000	<a href="#">22</a>	ORDER by Judge Gary A. Feess re Ex parte appl to lift stay: to permit a mtn for class certf is DENIED; to permit the issuance of such subpoenas as are necess to obtain the testm & stmts of Rafael Perez is GRANTED w/respect to all ptys in all "Rampart" cases (see doc for fur details) (el) Modified on 10/27/2000 (Entered: 10/27/2000)
11/01/2000	<a href="#">24</a>	ORDER re: Class Action Allegations-Non Monell Claims by Judge Gary A. Feess. If any pla is seeking to pursue the claims against the individual dft officers by way of class actn, each and every such pla is to give ntc to the crt of such intent on or bef 11/20/00, and to submit with such ntc a memo of points and authorities, not to exceed 10 pages, setting forth their class actn theory and the authority supporting their right to proceed under such theory (see doc for details) (bp) (Entered: 11/02/2000)
11/20/2000	25	RESPONSE by defendants to 11/1/00 order re qualified immunity [24-1] (rrey) (Entered: 11/22/2000)

11/30/2000	28	NOTICE by plaintiff of stat conf for alt dispute resolution purposes (rrey) (Entered: 12/21/2000)
12/08/2000	<a href="#">26</a>	MINUTES (In Chambers) before Judge Gary A. Feess: That the current status of this actn is as fols: Operative cmp: Complaint; Answers fld by: None; Dfts Srvd, Mot to dismiss pending: Cityo f LA, Parks, Riordan (mot on file); Other Srvd Dfts: None; Other pending Mots: None; This Ord does not affect the stay that is currently in plc & no resps/mots will be accepted at this time. However, if any of the above information is incorrect, cnsl are to subm a Notice of Corrected Case Status immediately. CR: N/P (Psend) (jp) (Entered: 12/11/2000)
12/18/2000	27	MINUTES: status conf held ; Crt & cnsl discuss assignment of mediators as noted on the recorders notes by Judge Dickran Tevrizian CR: Cynthia Mizell (rrey) (Entered: 12/20/2000)
02/06/2001	<a href="#">29</a>	MINUTES: (In Chambers) The Crt partially lifts the stay to permit any dft claiming absolute immunity from liability for damages &/or injunctive relief to move to dismiss on that ground acc to the ff sched: all mots directed to this issue must be fld by 2/26/01; opp to be fld NLT 3/12/01; dfts may file rply briefs on or before 3/19/01; this ord is permissive only; no dft is req to file any mot by Judge Gary A. Feess CR: None (rrey) (Entered: 02/06/2001)
02/16/2001	30	NOTICE OF MOTION AND MOTION by defendants Los Angeles City of, Bernard Parks, Richard Riordan for summary judgment ; exhs; motion hearing set for 9:30 3/19/01 (rrey) (Entered: 02/20/2001)
03/07/2001	<a href="#">31</a>	MINUTES: dismissing the action as to John Doe Sergeants 11 thorough 20 inclusive, John Doe Commanders 21 through 30 inclusive, John Doe Lieutenants 31 through 100 inclusive & Does 41-80 by Judge Gary A. Feess CR: n/p (bg) (Entered: 03/09/2001)
03/08/2001	32	RESPONSE by plaintiff Erwin Godinez to motion for summary judgment [30-1] (bg) (Entered: 03/09/2001)
03/14/2001	<a href="#">33</a>	MINUTES: (In Chambers) The Crts tentative ruling is to dismiss all clms under 42 USC Sec 1983, except excessive force clm, purs to Heck v Humphrey supra; final written ords will be issued after 3/19/01 mots hrgs by Judge Gary A. Feess CR: None (rrey) (Entered: 03/15/2001)
03/19/2001	<a href="#">35</a>	MINUTES:Dfts' mot for s/j. Matter called. Cnsl for pla submitted on the tentative ruling & did not appear at the ti the case was called. Ea side is to prepare & fi a brief not more than 5 pgs in length re statute of limitations issue. This doc is to be fi with the crt nlt 3/26/01. A filed-stamped courtesy copy of said resp is to be hand del to chambers nlt 5:00 pm on 3/26/01 by Judge Gary A. Feess CR: Lisa Gonzalez (bg) (Entered: 03/26/2001)
03/22/2001	34	Supplemental BRIEF FILED by defendant Los Angeles City of, defendant Bernard Parks, defendant Richard Riordan, defendant Doe Vinton, defendant Antonio Rico to dismiss pla's excessive force claims based on the statute of limitations (bg) (Entered: 03/23/2001)
03/28/2001	36	Supplemental Brief in opposition filed by plaintiff Erwin Godinez to brief [34-1] (bg) (Entered: 03/30/2001)
04/04/2001	<a href="#">37</a>	ORDER re dfts mot for summary jgm by Judge Gary A. Feess Godinez clms under 42 USC Sec 1983, 1985 & 1986 are DISM W/OUT PREJ purs to Heck v Humphrey; all remaining clms under these statutes are DISM W/ PREJ on statute of limitations grounds & this actn is REMANDED to state crt remanding case no 228989 to Los Angeles County Superior Court , terminating case (MD JS-6) (ENT 4/5/01) (send/ntc) (mld cert copy of ord & docket to LA Sup Crt) (rrey) (Entered: 04/05/2001)
06/13/2001	38	RECEIPT OF TRANSCRIPT of proceedings for the following date(s): 12/18/00 (Re:) CR:



Cynthia Mizell/LM-Lutz 27. (CV-00-11597-GAF) (ghap) (Entered: 06/14/2001)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
06/10/2022 14:10:49			
<b>PACER Login:</b>	fpdcac0087	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:00-cv-08962-GAF-AJWX End date: 6/10/2022
<b>Billable Pages:</b>	6	<b>Cost:</b>	0.60
<b>Exempt flag:</b>	Exempt	<b>Exempt reason:</b>	Always

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**ORIGINAL FILED**

OCT 03 2000

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**LOS ANGELES  
SUPERIOR COURT**

11 Attorneys for Plaintiff, JOEL HERRERA

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
 13 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

14 Joel Herrera

15 Plaintiff,

16 vs.

) Case No.: **BC237796**  
 ) Hon.:  
 ) Dept.:  
 )  
 ) **COMPLAINT FOR DAMAGES:**  
 )

17 City of Los Angeles, Antonio Rico (LAPD)  
 18 #27811), Officer Doe Vinton (LAPD #31085),  
 19 Officer Brian Hewitt (LAPD #27602), Officer  
 20 Doe Guerra. John Doe Officers 1 through 10,  
 21 inclusive, John Doe Sergeants 11 through 20,  
 22 inclusive, John Doe Commanders 21 through  
 23 30, inclusive, John Doe Lieutenants 31)  
 24 through 40, inclusive, Bernard Parks, William  
 25 Williams, Richard Riordan, Herbert  
 26 Boeckmann, Raymond C. Fisher, Dean  
 27 Hansell, Deirdre Hughes Hill, T. Warren  
 28 Jackson, Art Mattox, Edith Perez, James Fisk,  
 Stephen Gavin, Gary Greenbaum, Maxwell  
 Greenberg, Enrique Hernandez, Melanie  
 Lomax, Stanley Sheinbaum, Barara)

**STATE CLAIMS AND  
 CIVIL RIGHTS VIOLATIONS  
 PURSUANT TO 102 U.S.C. §§ 1983, 1985,  
 1986, AND 1988**

**[REQUEST FOR JURY TRIAL]****DEFENDANTS****EXHIBIT A PAGE 8**



1 Lindemann Schlei, Robert Weil, Stephen)  
 2 Yslas, and Does 41-80<sup>1</sup>, inclusive, )  
 3 Defendants. )  
 4 )  
 5 )

## 6 COMPLAINT

7 COMES NOW PLAINTIFF, JOEL HERRERA, and alleges as follows:

### 8 I.

#### 9 VENUE AND JURISDICTION

10 1. Venue is proper in the Superior Court of the State of California, Central District, in that  
 11 underlying acts, omissions, injuries and related facts and circumstances upon which the present  
 12 action are based occurred in the City of Los Angeles, California. This court has jurisdiction over  
 13 the present matter because, as delineated within this complaint, the nature of the claims and  
 14 amounts in controversy meet the requirements for jurisdiction in the Superior Court. This court  
 15 is empowered with concurrent jurisdiction to entertain suits brought under the Federal Civil  
 16 Rights Act, 102 U.S.C. § 1983. See Williams v. Horvath, (1976) 16 Cal.3d 8310, 837, 129 Cal.  
 17 Rptr. 5103.

### 18 II.

#### 19 PARTIES

20 2. At all times relevant hereto, Plaintiff, **Joel Herrera**, is and was a resident of the County  
 21 of Los Angeles, California.

22 3. At all times mentioned herein, Defendant **City of Los Angeles** was a public entity duly  
 23 organized and existing under and by virtue of the laws of the State of California.

24 4. At all times relevant herein, Defendants, **Officer Antonio Rico (LAPD #27811)**, **Officer**  
 25 **Doe Vinton (LAPD #31085)**, **Officer Brian Hewitt (LAPD #27602)**, **Officer Doe Guerra**,

26  
 27 <sup>1</sup> Notwithstanding Local Rule 3.7.2.1 Plaintiff has named more than ten fictitiously-named defendants allowed  
 28 pursuant to it. Plaintiff believes he must name more than ten fictitiously-named defendants or Plaintiff will be  
 waiving any right under the law to add them, as their true identities become known.

DEFENDANTS



1 were residents of the County of Los Angeles, and were police officers, sergeants, captains, and  
2 lieutenants, and/or civilian employees, agents and representatives of the City of Los Angeles  
3 Police Department and employees, agents and representatives of the City of Los Angeles. At all  
4 times relevant hereto, said Defendants were acting within the course and scope of their  
5 employment as officers, sergeants, captains and chiefs of police, and/or civilian employees of the  
6 Los Angeles Police Department, a department and subdivision of Defendant **City of Los**  
7 **Angeles**. Each said Defendant is sued in his or her official capacity and in his or her personal  
8 capacity.

9 5. Plaintiff **Joel Herrera**, is ignorant of the true names and capacities of Defendants sued  
10 herein as, **John Doe Officers 1 through 10, inclusive, John Doe Sergeants 11 through 20,**  
11 **inclusive, John Doe Commanders 21 through 30, inclusive, John Doe Lieutenants 31**  
12 **through 40, inclusive, and Does 41 through 80, inclusive,** and therefore sues these Defendants  
13 by such fictitious names. Plaintiff will amend this complaint to allege their true names and  
14 capacities when ascertained. Plaintiff is informed and believes and thereon alleges that each of  
15 the fictitiously named Defendants is responsible in some manner for the occurrences herein  
16 alleged, and that Plaintiff's injuries as herein alleged were proximately caused by the acts and/or  
17 omissions of the fictitiously named Defendants. Each said Doe Defendant is sued in his or her  
18 official capacity and in his or her personal capacity.

19 6. At all times relevant herein, Defendants, **William Williams and Bernard Parks** were  
20 residents of the County of Los Angeles, and chiefs of police, of the City of Los Angeles Police  
21 Department, and acting within the course and scope of their employment. Each said Defendant is  
22 sued in his or her official capacity and in his or her personal capacity.

23 7. At all times relevant herein, Defendants, **Richard Riordan, Herbert Boeckmann,**  
24 **Raymond C. Fisher, Dean Hansell, Deirdre Hughes Hill, T. Warren Jackson, Art Mattox,**  
25 **Edith Perez, James Fisk, Stephen Gavin, Gary Greenbaum, Maxwell Greenberg, Enrique**  
26 **Hernandez, Melanie Lomax, Stanley Sheinbaum, Barara Lindemann Schlei, Robert Weil,**  
27 **and Stephen Yslas,** are former or current members duly elected and/or sworn Mayor of the City  
28 of Los Angeles and members of the Los Angeles Police Commission. That said Defendants

DEFENDANTS



1 were empowered with the authority to make, change, adopt and implement policies, practices,  
2 rules and procedures for the City of Los Angeles and the City of Los Angeles Police Department.  
3 At all times relevant hereto, said Defendants were acting within the course and scope of their  
4 capacity as Mayor and members of the Police Commission. Each said Defendant is sued in his  
5 or her official capacity and in his or her personal capacity.

6 III.

7 FACTS COMMON TO ALL ACTIONS

8 8. Commencing on or about March 1996, and continuing to and including November 1997,  
9 Defendants **Officer Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD #31085),**  
10 **Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra, John Doe Officers 1 through 10,**  
11 **inclusive, John Doe Sergeants 11 through 20, inclusive, John Doe Commanders 21 through**  
12 **30, inclusive, and John Doe Lieutenants 31 through 40, inclusive,** routinely engaged in the  
13 unlawful, unreasonable and unjustifiable detention of Plaintiff for the sole purpose of harassing  
14 and extracting information from him. Said Defendants, brutally beat Plaintiff, by kicking,  
15 punching, choking and striking him, in order to extract said information from him. In doing so  
16 said Defendants without just cause and the use of excessive force, caused severe bodily,  
17 psychological and emotional injuries, in violation of his constitutional rights.

18 9. In March of 1996, at or near the vicinity of 3<sup>rd</sup> and Alexandria in the city of Los Angeles,  
19 Defendant **Officer Brian Hewitt (LAPD #27602),** in an attempt to seek information relating to  
20 local gang activity did without just cause physically remove Plaintiff from the restaurant he was  
21 lawfully in, at or about 7 p.m. At the time some of Plaintiff's friends who were outside of said  
22 premises were being lined up and interrogated by Defendant Hewitt, in an attempt to extract  
23 information about local gang activity from them. Upon taking Plaintiff outside Defendant  
24 Hewitt proceeded to use excessive force on Plaintiff resulting in severe bodily injury. Defendant  
25 Hewitt in his use of excessive force hit Plaintiff in his testicles, with his flashlight, for which he  
26 had to seek medical treatment.

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DEFENDANTS

EXHIBIT **A** PAGE **11**



1 10. In May of 1997, **Defendants Doe Officers 1 through 10, inclusive**, in an attempt to  
2 make Plaintiff cooperate with them, by informing them of local gang activity, said Defendant's  
3 arrested Plaintiff under the pretext that Plaintiff was violating curfew.

4 11. On or about mid July of 1997, Defendant **Doe Vinton (LAPD #31085)** and Defendant  
5 **Officer Doe**, forcefully removed Plaintiff and a friend of his from Marieles Taco's in Los  
6 Angeles, without cause. Said Defendants told Plaintiff and his friend they were not allowed to  
7 be there and proceeded to handcuff and place them under arrest. Rather than take them to the  
8 police station said Defendants transported Plaintiff and his friend to Rockwood gang territory.  
9 Upon arriving at or near the vicinity of 6<sup>th</sup> or 7<sup>th</sup> and Burlington removed Plaintiff and his friend  
10 from the patrol car and as Defendants removed the handcuffs began to yell 18<sup>th</sup> Street. At that  
11 point rival gang members appeared with knives and proceeded to chase them down the street.  
12 Plaintiff and his friend were able to outrun the Rockwood gang members but had they been  
13 caught they would have been beaten or killed.

14 12. At or near the beginning of August 1997, Plaintiff was out on the street, at or near the  
15 vicinity of 2<sup>nd</sup> and Alexander, when he was stopped by Defendants **Officer Antonio Rico**  
16 **(LAPD #27811)** and **Officer Doe Vinton (LAPD #31085)**, after Defendant Rico was notified by  
17 Plaintiff's mother of his location. At the time Plaintiff was stopped he was cited by said  
18 Defendants for curfew violation, although it was only 9:40 p.m. and not after 10 p.m. as noted on  
19 the citation. After citing Plaintiff, **Defendant Rico** punched Plaintiff on the mouth from which  
20 he began bleeding. Thereafter, **Defendant Vinton** ordered Plaintiff to raise his hands and then  
21 proceeded to hit Plaintiff, on the right side of his ribs, and then kneed Plaintiff in the stomach  
22 forcing Plaintiff to fall to the ground due to the pain. Said Defendants then proceeded to  
23 transport Plaintiff to his mother's home in North Hollywood, where Plaintiff's brother, Gerardo,  
24 observed Plaintiff had a bruise on his right side, a result of the beating inflicted by **Defendant**  
25 **Vinton**.

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EXHIBIT A PAGE 12



1 13. Another such incident occurred, on or about August 11, 1997 at or near 11:00 P.M., at or  
2 near the vicinity of 3<sup>rd</sup> Street and Kenmore, Defendants **Antonio Rico (LAPD# 27811)**, **Officer**  
3 **Doe Vinton**, did unlawfully enter into the dwelling of Erwin Godinez, a friend of Plaintiff's,  
4 where Godinez was lawfully residing and sleeping in at the time, with the sole intention of  
5 extracting gang activity information from Plaintiff. Plaintiff was unable to provide acceptable  
6 information to Defendants **Antonio Rico (LAPD# 27811)**, **Officer Doe Vinton**, and as a result  
7 said Defendants unjustly, unlawfully and without probable cause brutally and without cause  
8 kicked and punched Plaintiff in the face and body. Plaintiff heard the commotion coming from  
9 Godinez's apartment and proceeded to go and find out what was going on. Plaintiff,  
10 unfortunately suffered the same consequences as Godinez.

11 14. On or about August 20, 1997 Defendant **Officer Doe Vinton (LAPD #31085)**, arrested  
12 Plaintiff at or near 8:00 p.m. for an alleged curfew violation. **Defendant Vinton** proceeded to  
13 transport Plaintiff to station on 3<sup>rd</sup> and Union. Upon arrival there said Defendant proceeded to  
14 interrogate Plaintiff concerning local gang activity. Defendant wanted to know who in the gang  
15 had narcotics and/or firearms. Defendant then produced a chrome pistol, which appeared to be a  
16 38 caliber, and informed Plaintiff that should he refuse to give Defendant information he would  
17 plant the gun on him. **Defendant Vinton** in fact instructed Plaintiff to pick up the gun from the  
18 table, where he had placed it upon removing it from his pant pocket, but Plaintiff refused. Upon  
19 Plaintiff's refusal **Defendant Vinton** proceeded to grab Plaintiff by the neck and beat on his chest  
20 repeatedly. It was not until several hours later that Plaintiff was finally released by said  
21 Defendant, who also retained the money Plaintiff had in his possession at the time.

22 15. At or near the beginning of September 1997 while Plaintiff was lawfully in a video store  
23 at or near 3<sup>rd</sup> street, at approximately 7 p.m. several Crash units and a patrol car stopped at the  
24 location. Defendant **Antonio Rico (LAPD# 27811)**, entered the video store and escorted  
25 Plaintiff outside. Defendant **Officer Doe Vinton**, proceeded to question **Defendant Rico** about  
26 what they were going to do next, to which **Defendant Rico** answered they would transport  
27 Plaintiff to the station and charge him with possession. At which point **Defendant Rico** escorted  
28 Plaintiff to the patrol car, located in the parking lot of Vons at 3<sup>rd</sup> and Vermont, where an

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1 individual was sitting in the back seat. **Defendant Rico** wanted Plaintiff to point and identify the  
2 individual as being involved in a crime. **Defendant Rico** offered to make a deal with Plaintiff  
3 that if he procured a handgun and narcotics said Defendant would let Plaintiff go. Plaintiff  
4 proceeded to agree with said Defendant, hoping he would be released. Plaintiff further agreed to  
5 meet said Defendants at Mariela's Tacos on 3<sup>rd</sup> Street and give them what they asked for.  
6 Plaintiff in fear never showed up.

7 16. As a consequence in mid November 1997, said Defendants were out looking for Plaintiff  
8 and were able to locate him with the help of other individuals. Upon locating Plaintiff, at or near  
9 3<sup>rd</sup> and Kenmore, Defendants **Antonio Rico (LAPD# 27811)** and **Officer Doe Vinton**, arrested  
10 Plaintiff for violation of curfew, although it was only approximately 9 p.m. Said Defendants  
11 proceeded to transport Plaintiff to the Temple Station. While **Defendant Rico** was preparing the  
12 paperwork, he went over to Plaintiff who was seated on a bench and took him into a small office.  
13 Upon entering the office **Defendant Rico** shut off the lights and proceeded to brutally beat  
14 Plaintiff. Plaintiff suffered a bleeding lip, bruises to his face and body, as well as cuts on his  
15 wrist as a result of the handcuffs being too tight. Plaintiff continually asked to see and speak to  
16 Supervisor Chacon but his request was denied by said Defendant. Eventually said Defendants  
17 released Plaintiff.

18 17. Another incident occurred at or near the middle of November 1997, Plaintiff was walking  
19 towards 3<sup>rd</sup> Street, near El Descanso building and before Plaintiff reached Jones Market on 3<sup>rd</sup>  
20 Street he was pulled over and arrested, along with a friend, by Defendants **Officer Doe Vinton**  
21 **(LAPD #31085)** and **Officer Doe Guerra**. Plaintiff's friend was released, but Plaintiff was  
22 searched and then brutally beat by said Defendants. Plaintiff was thrown against an iron gate  
23 and suffered a swollen eye as a result of the beating and lack of medical attention.

24 18. Furthermore, Defendants, **Officer Antonio Rico (LAPD #27811)**, **Officer Doe Vinton**  
25 **(LAPD #31085)**, **Officer Brian Hewitt (LAPD #27602)**, **Officer Doe Guerra**, **John Doe**  
26 **Officers 1 through 10, inclusive**, **John Doe Sergeants 11 through 20, inclusive**, **John Doe**  
27 **Commanders 21 through 30, inclusive**, and **John Doe Lieutenants 31 through 40, inclusive**,  
28 routinely engaged in the unlawful, unreasonable and unjustifiable detention of Plaintiff for the

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1 sole purpose of harassing and extracting information from him. Said Defendants, brutally beat  
 2 Plaintiff, by kicking, punching, choking and striking him, in order to extract said information  
 3 from them and arresting him without cause. In doing so said Defendants without just cause and  
 4 the use of excessive force, caused severe bodily, psychological and emotional injuries, in  
 5 violation of his constitutional rights.

6 19. After Defendants, Officer Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD  
 7 #31085), Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra, John Doe Officers 1  
 8 through 10, inclusive, John Doe Sergeants 11 through 20, inclusive, John Doe Commanders  
 9 21 through 30, inclusive, and John Doe Lieutenants 31 through 40, inclusive, ceased beating  
 10 Plaintiff, as described above, they intentionally would refrain from providing Plaintiff medical  
 11 care.

12 20. Said use of excessive, unreasonable and unlawful force on Plaintiff's person was without  
 13 provocation, cause or necessity and was a conscious and deliberate act by said Defendants, and  
 14 for the sole purpose of maliciously harming, injuring, instilling fear and apprehension in  
 15 Plaintiff.

16 21. As a result of all the unlawful, unreasonable and unjustifiable acts of Defendants Plaintiff  
 17 was deprived of his interest protected by the laws and Constitution of the United States of  
 18 America. due to the commission or omission of acts by Defendants while acting under color of  
 19 law.

#### 20 IV.

#### 21 FIRST CAUSE OF ACTION

#### 22 ASSAULT AND BATTERY

23 [As to Defendants, Officer Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD  
 24 #31085), Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra,  
 25 John Doe Officers 1 through 10, inclusive]

26 22. Plaintiff incorporates by reference into this First, separate, and distinct cause of action,  
 27 Paragraphs 1 through 21, as though set forth in full.

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23. At the times and places herein above alleged, Defendants, **Officer Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD #31085), Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra, John Doe Officers 1 through 10, inclusive**, without just and legal cause, unreasonably, unlawfully, willfully, maliciously, wantonly and oppressively did routinely inflict severe bodily harm on Plaintiff, by the use of excessive force, thereby justifying the awarding of exemplary and punitive damages as to each of these individual Defendants.

24. Said assault and battery was not consented to by the present Plaintiff and was the proximate cause of the injuries complained of herein.

V.

## SECOND CAUSE OF ACTION

### NEGLIGENCE

[As to All Defendants]

25. Plaintiff incorporates by reference into this Second, separate, and distinct cause of action, Paragraphs 1 through 24; as though set forth in full.

26. Plaintiff is informed and believes and thereon alleges Defendants, **Officer Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD #31085), Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra, John Doe Officers 1 through 10, inclusive**, including, but not limiting, the dates of March 1996 through November 1997, did negligently, violently and without due care, cause or provocation, unlawful brutally beat Plaintiff, threaten to plant evidence on Plaintiff's person and arrest Plaintiff without just or probable cause.

27. All aforementioned incidents occurred as a result of the absence off due care for the safety of others and constituted an unreasonable, unwarranted, and excessive use of force, abuse of process and manifested an unreasonable risk of injury to Plaintiff's person and rights.

28. Defendants, **Officer Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD #31085), Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra, John Doe Officers 1 through 10, inclusive**, knowingly created situations which placed life threatening injuries upon Plaintiff and then failed to give their consent so Plaintiff could receive medical treatment. In failing to provide such consent Defendants did negligently, carelessly, and knowingly fail to

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1 summon medical assistance of any type for Plaintiff after inflicting the unprovoked and negligent  
2 beatings upon Plaintiff, and said conduct was the proximate cause of the Plaintiff's physical and  
3 psychological injuries being aggravated.

4 29. Defendants, **City of Los Angeles, John Doe Sergeants 11 through 20, inclusive, John**  
5 **Doe Commanders 21 through 30, inclusive, John Doe Lieutenants 31 through 40, inclusive,**  
6 **Bernard Parks, William Williams, Herbert Boeckmann, Raymond C. Fisher, Dean Hansell,**  
7 **Deirdre Hughes Hill, T. Warren Jackson, Art Mattox, Edith Perez, James Fisk, Stephen**  
8 **Gavin, Gary Greenbaum, Maxwell Greenberg, Enrique Hernandez, Melanie Lomax,**  
9 **Stanley Sheinbaum, Barara Lindemann Schlei, Robert Weil, Stephen Yslas, and Does 41**  
10 **through 80, inclusive,** are directly liable and responsible for the acts of the former Defendants,  
11 because they failed to adequately supervise, discipline or in any other way control the latter  
12 mentioned Defendant's exercise of their unlawful use of excessive, lethal force, threats and  
13 unwarranted arrest of Plaintiff.

14 30. Said Defendants, are directly liable and responsible for the acts of Defendants, **Officer**  
15 **Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD #31085), Officer Brian Hewitt**  
16 **(LAPD #27602), Officer Doe Guerra, John Doe Officers 1 through 10, inclusive,** because the  
17 former mentioned Defendants, repeatedly did knowingly and negligently fail to enforce the laws  
18 of the State of California and the regulations, by failing to put an end to the corruption taking  
19 place within the department, by failing to discipline their officers.

20 31. Such a failure to act created within the Los Angeles Police Department an atmosphere of  
21 lawlessness in which officers of said department, especially officers of the "CRASH" unit,  
22 employed excessive and illegal force and violence including deadly force, and the planting of  
23 evidence on innocent parties, under the belief such acts were condoned and justified by their  
24 supervisors. Consequently, Defendants, **City of Los Angeles, John Doe Sergeants 11 through**  
25 **20, inclusive, John Doe Commanders 21 through 30, inclusive, John Doe Lieutenants 31**  
26 **through 40, inclusive, Bernard Parks, William Williams, Herbert Boeckmann, Raymond C.**  
27 **Fisher, Dean Hansell, Deirdre Hughes Hill, T. Warren Jackson, Art Mattox, Edith Perez,**  
28 **James Fisk, Stephen Gavin, Gary Greenbaum, Maxwell Greenberg, Enrique Hernandez,**

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1 **Melanie Lomax, Stanley Sheinbaum, Barara Lindemann Schlei, Robert Weil, Stephen**  
 2 **Yslas, and Does 41 through 80, inclusive,** were or should have been aware of such unlawful  
 3 acts and practices prior to and at the time of the unlawful acts committed against Plaintiff's  
 4 person.

5 32. As a proximate result of the acts and omissions of all said Defendants and each of them,  
 6 and of the physical injury inflicted on Plaintiff, Plaintiff has sustained extreme and severe mental  
 7 anguish and pain and has been injured in mind and body all to Plaintiff's general damage  
 8 according to proof.

9 33. Defendants, **John Doe Sergeants 11 through 20, inclusive, John Doe Commanders 21**  
 10 **through 30, inclusive, John Doe Lieutenants 31 through 40, inclusive,** knew the  
 11 aforementioned Defendants, engaged in the beating and unjust arresting of individuals for the  
 12 sole purpose of obtaining information regarding gang activity in the Rampart area.

13 34. As a result of the lack of due care by All Defendants, Plaintiff was falsely, unjustly,  
 14 unlawfully and unreasonably routinely brutally beaten, denied medical assistance, threatened and  
 15 unjustly arrested. Consequently, Plaintiff was made to lose his freedom and liberty, in violation  
 16 of the Fourteenth Amendment's due process guarantees, and during which time he suffered, and  
 17 continues to suffer, severe emotional and psychological pain, suffering, anguish, shock, and fear.

18 VI.

19 THIRD CAUSE OF ACTION

20 VIOLATION OF THE UNRUH CIVIL RIGHT ACT PROVISION:

21 THE RIGHT TO BE FROM VIOLENCE COMMITTED BECAUSE OF THE VICTIM'S  
 22 COLOR, RACE, ANCESTRY, AND NATIONAL ORIGIN AND INTERFERENCE WITH  
 23 THE ENJOYMENT OF RIGHTS SECURED BY THE U.S. CONSTITUTION AND THE  
 24 CONSTITUTION AND LAWS OF THE STATE OF CALIFORNIA

25 [As to Defendants, Officer Antonio Rico (LAPD #27811), Officer Doe Vinton  
 26 (LAPD #31085), Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra,  
 27 John Doe Officers 1 through 10, inclusive,]  
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EXHIBIT

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1 35. Plaintiff incorporates by reference into this Fifth, separate, and distinct cause of action,  
2 Paragraphs 1 through 34, as though set forth in full.

3 36. This action is brought pursuant to California Civil Code §§ 51.7, 52 and 21.1.

4 37. Plaintiff, Joel Herrera is of Salvadorian ancestry.

5 38. Commencing on or about March 1996 and continuing to and including November 1997,  
6 Plaintiff was subjected to violence and false accusations by Defendants, **Officer Antonio Rico**  
7 **(LAPD #27811), Officer Doe Vinton (LAPD #31085), Officer Brian Hewitt (LAPD #27602),**  
8 **Officer Doe Guerra, John Doe Officers 1 through 10, inclusive,** and each of them, in the form  
9 of:

- 10 a. brutal beatings, which including the kicking, choking, striking and punching, of  
11 Plaintiff, which resulted in serious physical injuries, the denial of medical attention  
12 and psychological injuries;  
13 b. threatening to plant evidence on Plaintiff's person, arrest and charge him with a  
14 crime; and  
15 c. arresting Plaintiff under false charges.

16 39. Defendants, **Officer Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD**  
17 **#31085), Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra, John Doe Officers 1**  
18 **through 10, inclusive,** brutally beat, threatened to plant evidence and falsify police reports and  
19 arresting Plaintiff under false charges all in an effort to force Plaintiff to give them information  
20 about local gang activity, because of Plaintiff's race, color, ancestry and national origin.

21 40. All of the above acts and omissions of Defendants, **Officer Antonio Rico (LAPD**  
22 **#27811), Officer Doe Vinton (LAPD #31085), Officer Brian Hewitt (LAPD #27602), Officer**  
23 **Doe Guerra, John Doe Officers 1 through 10, inclusive,** were, willful, wanton, malicious and  
24 oppressive, and knowingly done for the purpose of unlawfully and unreasonably threatening  
25 Plaintiff with planting evidence and falsifying reports and also arresting Plaintiff without just  
26 cause and under false charges, for the sole purpose of obtaining information about local gang  
27 activity, thereby justifying the awarding of exemplary and punitive damages as to these  
28 Defendants.

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EXHIBIT A PAGE 19



41. The above acts of Defendants, **Officer Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD #31085), Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra, John Doe Officers 1 through 10, inclusive**, violated the Unruh Civil Rights Act, Civil Code of California § 51.7, and by reasons of these facts and violations, Plaintiff is entitled to compensatory damages according to proof, punitive and exemplary damages, the cost of suit incurred in this action, reasonable attorney's fees, and any other additional relief the court deems proper.

## VII.

### FOURTH CAUSE OF ACTION

#### **VIOLATION OF CONSTITUTIONAL RIGHT TO BE FREE FROM UNREASONABLE SEARCH AND SEIZURES**

**[As to Defendants, Officer Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD #31085), Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra, John Doe Officers 1 through 10, inclusive]**

42. Plaintiff incorporates by reference into this Sixth, separate, and distinct cause of action, Paragraphs 1 through 41, as though set forth in full. .

43. This action is brought pursuant to 102 § 1983, and the Fourth Amendment of the United States Constitution.

44. Commencing on or about March 1996 and continuing to and including November 1997, Joel Herrera, the Plaintiff in this action, possessed the right, guaranteed by the Fourth Amendment of the United States Constitution, to be free from unreasonable seizures and searches by police officers acting under color of law.

45. Defendants, **Officer Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD #31085), Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra, John Doe Officers 1 through 10, inclusive**, without a valid search or arrest warrant, and absent consent and exigent circumstances;

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DEFENDANTS

EXHIBIT A PAGE 20



1 a. detained Plaintiff on a routine basis, for the sole purpose of brutally beating him;  
2 b. threatened to arrest Plaintiff without probable cause and proceed to plant false  
3 evidence on his person and falsify police reports;  
4 c. and arresting Plaintiff without just cause, under pretense of curfew violations;  
5 all for the sole purpose of extracting information about local gang activity from Plaintiff.

6 46. Thereafter, said Defendants, **Officer Antonio Rico (LAPD #27811), Officer Doe**  
7 **Vinton (LAPD #31085), Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra, John**  
8 **Doe Officers 1 through 10, inclusive**, violated Plaintiff's Fourth Amendment rights by  
9 unlawfully and unreasonably beating, denying medical attention, threatening to detain, arrest  
10 and imprisoning Plaintiff without reasonable suspicion or probable cause, because Plaintiff did  
11 not provide said Defendants with information about local gang activity.

12 47. In doing these things, Defendants, **Officer Antonio Rico (LAPD #27811), Officer Doe**  
13 **Vinton (LAPD #31085), Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra, John**  
14 **Doe Officers 1 through 10, inclusive**, acted specifically and intentionally to deny Plaintiff his  
15 constitutional rights under the Fourth Amendment to be free from unreasonable searches and  
16 seizures. Defendants subjected Plaintiff, to the aforementioned deprivations by either actual  
17 malice, deliberate indifference or a reckless disregard of his rights under the United States  
18 Constitution.

19 48. Defendants, **Officer Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD**  
20 **#31085), Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra, John Doe Officers 1**  
21 **through 10, inclusive**, acted at all times herein with the knowledge the established practices,  
22 customs, procedures and policies of the City of Los Angeles Police Department would allow a  
23 cover-up and allow the continued violation of Plaintiff's.

24 49. As a direct and proximate result of the aforementioned acts of Defendants, **Officer**  
25 **Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD #31085), Officer Brian Hewitt**  
26 **(LAPD #27602), Officer Doe Guerra, John Doe Officers 1 through 10, inclusive**, Plaintiff's  
27 constitutional rights were violated as previously described.

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DEFENDANTS

EXHIBIT A PAGE 21



50. The aforementioned acts of Defendants, **Officer Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD #31085), Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra, John Doe Officers 1 through 10, inclusive**, were, willful, wanton, malicious and oppressive, and knowingly done for the purpose of unlawfully and unreasonably denying Plaintiff his constitutional right to be free from unreasonable search and seizure, thereby justifying the awarding of exemplary and punitive damages as to these Defendants.

# VIII.

## FIFTH CAUSE OF ACTION

### **VIOLATION OF CONSTITUTIONAL RIGHT TO BE FREE FROM UNREASONABLE AND EXCESSIVE FORCE**

[As to Defendants, **Officer Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD #31085), Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra, John Doe Officers 1 through 10, inclusive,**]

51. Plaintiff incorporates by reference into this Seventh, separate, and distinct cause of action, Paragraphs 1 through 50, as though set forth in full.

52. This action is brought pursuant to 102 U.S.C. § 1983, and the Fourth and Fourteenth Amendments of the United States Constitution.

53. Commencing on or about March 1996 and continuing to and including November 1997 Plaintiff possessed the right, guaranteed by the Fourth and Fourteenth Amendments of the United States Constitution to be free from unreasonable seizures in the form of excessive force by police officers acting under color of law.

54. During said dates and locations, Defendants, **Officer Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD #31085), Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra, John Doe Officers 1 through 10, inclusive**, were in the position and authority to lawfully intervene in and prevent the unjustified, unreasonable, unwarranted and unlawful seizing control of Plaintiff.

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DEFENDANTS

EXHIBIT A PAGE 22



1 55. Defendants, **Officer Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD**  
2 **#31085), Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra, John Doe Officers 1**  
3 **through 10, inclusive**, having seized control of Plaintiff would proceed to brutally beat him by  
4 kicking, punching, striking and choking Plaintiff and/or arresting him under false charges with  
5 the sole purpose and intent of extracting information from him relating to gang activity in the  
6 area.

7 56. At no time did Plaintiff, assault said Defendants or anyone else, to justify the brutal  
8 beatings he received. On the contrary Plaintiff, was always unarmed, compliant and helpless.  
9 Nevertheless Defendants, **Officer Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD**  
10 **#31085), Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra, John Doe Officers 1**  
11 **through 10, inclusive**, repeatedly apprehended Plaintiff. On all such occasions the actions of  
12 said Defendants were unjustified, unreasonable and unlawful under the circumstances and  
13 constituted an excessive use of force and power. Such action was in direct violation of the rights  
14 guaranteed to Plaintiff by the under the laws and Constitution of the United States, in particular  
15 the Fourth and Fourteenth Amendment of the United States Constitution.

16 57. After every incident in which Defendants, **Officer Antonio Rico (LAPD #27811),**  
17 **Officer Doe Vinton (LAPD #31085), Officer Brian Hewitt (LAPD #27602), Officer Doe**  
18 **Guerra, John Doe Officers 1 through 10, inclusive**, seized and/or arrested and brutally beat  
19 Plaintiff, said Defendants then failed to promptly secure medical aid for Plaintiff.

20 58. Defendants, **Officer Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD**  
21 **#31085), Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra, John Doe Officers 1**  
22 **through 10, inclusive**, acted specifically with the intent to deprive Plaintiff, Joel Herrera, of the  
23 following constitutional rights guaranteed by the United States Constitution:

- 24 i. Right to be free from unreasonable searches and unreasonable seizures,  
25 in the form of excessive force used by police officers;  
26 ii. Freedom from a deprivation of liberty without due process of law; and  
27 iii. Freedom from summary punishment.

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DEFENDANTS

EXHIBIT A PAGE 23



59. Defendants, **Officer Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD #31085), Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra, John Doe Officers 1 through 10, inclusive**, subjected Plaintiff to the aforementioned deprivations by either actual malice, deliberate indifference or a reckless disregard for Plaintiff's rights under the United States Constitution.

60. Defendants, **Officer Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD #31085), Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra, John Doe Officers 1 through 10, inclusive**, acted with the knowledge that the established practices, customs, procedures and policies of the City of Los Angeles Police Department would allow a cover-up and allow the continued use of illegal force in violation of the Fourth Amendment of the United States Constitution.

61. As a direct and proximate result of the aforementioned acts of Defendants, **Officer Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD #31085), Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra, John Doe Officers 1 through 10, inclusive**, Plaintiff suffered physical injuries to various parts of his body and head which caused him serious injuries, including physical, psychological and emotional impairments. Due to the unlawful and unreasonable acts of said Defendants, Plaintiff damages in an amount to be ascertained at trial.

62. The aforementioned acts of Defendants, **Officer Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD #31085), Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra, John Doe Officers 1 through 10, inclusive**, were, willful, wanton, malicious and oppressive, and knowingly done for the purpose of unlawfully and unreasonably extracting information from Plaintiff, thereby justifying the awarding of exemplary and punitive damages as to these Defendants.

## IX.

### SIXTH CAUSE OF ACTION

#### FAILURE TO INTERVENE TO PREVENT CIVIL RIGHTS VIOLATION

[As to Defendants, **Officer Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD #31085), Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra, John Doe Officers 1 through 10, inclusive,**]

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63. Plaintiff incorporates by reference into this Eight, separate, and distinct cause of action, Paragraphs 1 through 62, as though set forth in full.

64. This action is brought pursuant to 102 U.S.C. § 1983, and the Fourteenth Amendment of the United States Constitution, for violation of Plaintiff's procedural and substantive due process rights.

65. Commencing on or about March 1996 and continuing to and including November 1997, at the times and places alleged herein, Defendants, **Officer Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD #31085), Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra, John Doe Officers 1 through 10, inclusive**, were present at the immediate scene of the unlawful, unreasonable and unjustified routine beatings inflicted on Plaintiff, as well as when said Defendant's threatened to plant evidence on his person and/or arresting him under false charges.

66. At said dates and locations, said Defendants were in the position and authority to lawfully intervene in and prevent the unjustified, unwarranted and unlawful beatings, threats and false arrest of Plaintiff.

67. At said dates and locations, said Defendants had adequate and sufficient time, opportunity to intercede and prevent the unjustified, unwarranted and unlawful beatings and threats of Plaintiff, and in fact obligated to as peace officers under the United States Constitution and the laws of the State of California.

68. In addition on those dates and locations, in deliberate indifference to Plaintiff's life, health, well being and Constitutional rights, said Defendants, **Officer Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD #31085), Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra, John Doe Officers 1 through 10, inclusive**, intentionally and with deliberate indifference to the civil rights of Plaintiff, refrained from intervening in said unjustified, unlawful, and unreasonable beatings of Plaintiff, failing to provide medical care, the threats of planting evidence on Plaintiff for failing to provide Defendants with information about local gang activity.

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DEFENDANTS

EXHIBIT A PAGE 25



69. As a result thereof, said Defendants unlawfully, unreasonably and unjustly imposed beatings on Plaintiff then failed to provide medical care and threatened to plant false evidence on Plaintiff and/or in fact arrested him under false charges, all in violation of Plaintiff's rights under the United States Constitution.

70. Thereafter, Defendants, **Officer Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD #31085), Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra, John Doe Officers 1 through 10, inclusive**, were in the position and authority to lawfully intervene in and prevent the unjustified and unwarranted beatings of Plaintiff. Said Defendants also failed to intervene in and prevent the unjustified and unwarranted threats against Plaintiff, to plant evidence and arrest Plaintiff for his "failure" to cooperate with them. Despite the fact said Defendants were in a position and authority to stop the beatings and threats, and false arrest they failed to do so resulting in the violation of Plaintiffs constitutional rights.

71. The aforementioned acts and omissions of Defendants, were malicious, oppressive, willful, and wanton, thereby justifying the awarding of exemplary and punitive damages as to Defendants, **Officer Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD #31085), Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra, John Doe Officers 1 through 10, inclusive**, were, willful, wanton, malicious and oppressive, and knowingly done for the purpose of unlawfully and unreasonably beating, threatening and false arrest of Plaintiff, thereby justifying the awarding of exemplary and punitive damages as to these Defendants.

X.

#### SEVENTH CAUSE OF ACTION

#### MUNICIPAL LIABILITY FOR VIOLATIONS OF CONSTITUTIONAL RIGHTS

[As to Defendants, City of Los Angeles, John Doe Sergeants 11 through 20, inclusive, John Doe Commanders 21 through 30, inclusive, John Doe Lieutenants 31 through 40, inclusive, Bernard Parks, William Williams, Herbert Boeckmann, Raymond C. Fisher, Dean Hansell, Deirdre Hughes Hill, T. Warren Jackson, Art Mattox, Edith Perez, James Fisk, Stephen Gavin, Gary Greenbaum, Maxwell Greenberg, Enrique Hernandez, Melanie Lomax, Stanley Sheinbaum, Barara Lindemann Schlei, Robert Weil, Stephen Yslas, and Does 41 through 80, inclusive]

///

///

DEFENDANTS

EXHIBIT A PAGE 26



1 72. Plaintiff incorporates by reference into this Ninth, separate, and distinct cause of action,  
2 Paragraphs 1 through 71, as though set forth in full.

3 73. This action is brought pursuant to 102 U.S.C. § 1983 for violation of Plaintiff's rights  
4 under the Fourth and Fourteenth Amendments.

5 74. Commencing on or about March 1996 and continuing to and including November 1997,  
6 Defendants, **Officer Antonio Rico (LAPD #27811), Officer Doe Vinton (LAPD #31085),**  
7 **Officer Brian Hewitt (LAPD #27602), Officer Doe Guerra, John Doe Officers 1 through 10,**  
8 **inclusive**, and each of them, acting within the course and scope of their duties as peace officers  
9 of the City of Los Angeles, deprived Plaintiff, Joel Herrera, of his rights to be free from  
10 unreasonable seizures, excessive force, and searches, and to be provided with reasonable medical  
11 attention and care as set forth above.

12 75. At the time of these constitutional violations by said police officer Defendants, **City of**  
13 **Los Angeles, John Doe Sergeants 11 through 20, inclusive, John Doe Commanders 21**  
14 **through 30, inclusive, John Doe Lieutenants 31 through 40, inclusive, Bernard Parks,**  
15 **William Williams, Herbert Boeckmann, Raymond C. Fisher, Dean Hansell, Deirdre**  
16 **Hughes Hill, T. Warren Jackson, Art Mattox, Edith Perez, James Fisk, Stephen Gavin,**  
17 **Gary Greenbaum, Maxwell Greenberg, Enrique Hernandez, Melanie Lomax, Stanley**  
18 **Sheinbaum, Barara Lindemann Schlei, Robert Weil, Stephen Yslas, and Does 41 through**  
19 **80, inclusive**, had in place, and had ratified, policies, procedures, customs and practices which  
20 permitted and encouraged their police officers to unjustifiably, unreasonably and in violation of  
21 the Fourth and Fourteenth Amendments, beat, threaten, and shoot persons, specifically Latinos,  
22 as well as members of other minority groups.

23 76. Said policies, procedures, customs and practices also called for the City of Los Angeles,  
24 and its Police Department not to discipline, prosecute or objectively and/or independently  
25 investigate or in any way deal with or respond to known incidents, complaints, of wrongful  
26 beatings, shootings, falsification of evidence, the preparation of false police reports to justify  
27 such wrongful conduct, and the giving of false testimony in trial to cover-up and conceal such  
28 wrongful conduct by officers of the Los Angeles Police Department and for the City of Los

DEFENDANTS

EXHIBIT A PAGE 27



1 Angeles to fail to objectively and/or independently investigate or in any way deal with or  
2 respond to or the related claims and lawsuits made as a result of such beatings, threats, shootings,  
3 misconduct and false arrest of innocent individuals.

4 77. Said policies, procedures, customs and practices called for and led to the refusal of  
5 Defendants, **City of Los Angeles, John Doe Sergeants 11 through 20, inclusive, John Doe**  
6 **Commanders 21 through 30, inclusive, John Doe Lieutenants 31 through 40, inclusive,**  
7 **Bernard Parks, William Williams, Herbert Boeckmann, Raymond C. Fisher, Dean Hansell,**  
8 **Deirdre Hughes Hill, T. Warren Jackson, Art Mattox, Edith Perez, James Fisk, Stephen**  
9 **Gavin, Gary Greenbaum, Maxwell Greenberg, Enrique Hernandez, Melanie Lomax,**  
10 **Stanley Sheinbaum, Barara Lindemann Schlei, Robert Weil, Stephen Yslas, and Does 41**  
11 **through 80, inclusive,** to investigate complaints of previous incidents of excessive force, threats  
12 against individuals, wrongful shootings, the filing of false police reports to conceal such  
13 misconduct, manufacturing of evidence, the falsification of evidence and perjury and, instead,  
14 officially claim that such incidents were justified and proper.

15 78. Said policies, procedures, customs and practices:

- 16 a. encouraged an atmosphere of lawlessness within the police department and to  
17 encouraged police officers to believe improper beating, threatening and shooting  
18 of residents of Los Angeles County or persons present therein, including members  
19 of minority groups, was permissible;  
20  
21 b. allowed LAPD officers to believe the manufacturing of charges, unlawful acts of  
22 falsification of evidence and perjury would be overlooked without discipline or  
23 other official ramifications.  
24

25 79. Said policies, procedures, customs and practices evidenced a deliberate indifference to  
26 the violations of the constitutional rights of Plaintiff, Joel Herrera. This indifference was  
27 manifested by the failure to change, correct, revoke, or rescind said policies, procedures, customs  
28 and practices in light of prior knowledge by said Defendants, and their subordinate policymakers

DEFENDANTS

EXHIBIT A PAGE 28



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(AJWx), **CLOSED**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)  
CIVIL DOCKET FOR CASE #: 2:00-cv-12531-GAF-AJW**

Joel Herrera v. Los Angeles City of, et al  
Assigned to: Judge Gary A. Feess  
Referred to: Discovery Andrew J. Wistrich  
Demand: \$0  
Case in other court: LA Cty Sup Crt, BC237796  
Cause: 28:1441 Notice of Removal - Civil Rights Act

Date Filed: 11/27/2000  
Date Terminated: 01/27/2003  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Joel Herrera**

represented by **Jose Perez**  
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*ATTORNEY TO BE NOTICED*

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*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**City of Los Angeles**  
*TERMINATED: 06/24/2002*

represented by **Cecil W Marr**  
Los Angeles City Attorney's Office  
Dept. of Water and Power

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*LEAD ATTORNEY*

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*LEAD ATTORNEY*

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**Wendy C Shapero**  
Los Angeles City Attorneys Office  
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Van Nuys, CA 91401  
8183743356  
Email: wendy.shapero@lacity.org  
*TERMINATED: 06/24/2002*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Antonio Rico**  
*LAPD #27811*  
*TERMINATED: 10/19/2001*

**Defendant**

**Doe Vinton**  
*Officer, LAPD #31085*  
*TERMINATED: 10/19/2001*

**Defendant**

**Brian Hewitt**  
*Officer, LAPD #27602*  
*TERMINATED: 10/19/2001*

**Defendant**

**Doe Guerra**



*Officer*

*TERMINATED: 10/19/2001*

**Defendant**

**John Doe**

*Officers 1 through 10, inclusive*

*TERMINATED: 10/19/2001*

**Defendant**

**John Doe**

*Sergeants 11 through 20, inclusive*

*TERMINATED: 10/19/2001*

**Defendant**

**John Doe**

*Commanders 21 through 30, inclusive*

*TERMINATED: 10/19/2001*

**Defendant**

**John Doe**

*Lieutenants 31 through 40, inclusive*

*TERMINATED: 10/19/2001*

**Defendant**

**Bernard Parks**

*TERMINATED: 10/19/2001*

**Defendant**

**William Williams**

*TERMINATED: 10/19/2001*

**Defendant**

**Richard Riordan**

*TERMINATED: 06/24/2002*

represented by **Cecil W Marr**

(See above for address)

*TERMINATED: 06/24/2002*

*LEAD ATTORNEY*

**James Kenneth Hahn**

(See above for address)

*TERMINATED: 06/24/2002*

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Paul N Paquette**

(See above for address)

*TERMINATED: 06/24/2002*

*LEAD ATTORNEY*

**Wendy C Shapero**

(See above for address)

*TERMINATED: 06/24/2002*

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Defendant**

**Herbert Boeckmann**  
*TERMINATED: 10/19/2001*

**Defendant**

**Raymond C Fisher**  
*TERMINATED: 10/19/2001*

**Defendant**

**Dean Hansell**  
*TERMINATED: 10/19/2001*

**Defendant**

**Deirdre Hughes Hill**  
*TERMINATED: 10/19/2001*

**Defendant**

**T Warren Jackson**  
*TERMINATED: 10/19/2001*

**Defendant**

**Art Mattox**  
*TERMINATED: 10/19/2001*

**Defendant**

**Edith Perez**  
*TERMINATED: 10/19/2001*

**Defendant**

**James Fisk**  
*TERMINATED: 10/19/2001*

**Defendant**

**Stephen Gavin**  
*TERMINATED: 10/19/2001*

**Defendant**

**Gary Greenbaum**  
*TERMINATED: 10/19/2001*

**Defendant**

**Maxwell Greenberg**  
*TERMINATED: 10/19/2001*

**Defendant**

**Enrique Hernandez**  
*TERMINATED: 10/19/2001*

**Defendant**

**Melanie Lomax**  
*TERMINATED: 10/19/2001*



**Defendant****Stanley Sheinbaum**

TERMINATED: 10/19/2001

**Defendant****Barara Lindemann Schlei**

TERMINATED: 10/19/2001

**Defendant****Robert Weil**

TERMINATED: 10/19/2001

**Defendant****Stephen Yslas**

TERMINATED: 10/19/2001

**Defendant****Does**

41 through 80, inclusive

TERMINATED: 10/19/2001

Date Filed	#	Docket Text
11/27/2000	1	NOTICE OF REMOVAL by defendant Los Angeles City of, defendant Richard Riordan from LA Cty Sup Crt( Case Number: BC 237796) with copy summons and complaint referred to Discovery Margaret A. Nagle . (pc) (Entered: 11/30/2000)
11/27/2000	2	CERTIFICATION OF INTERESTED PARTIES filed by defendant Los Angeles City of, defendant Richard Riordan (pc) (Entered: 11/30/2000)
11/27/2000	3	CERTIFICATE OF SERVICE by defendants Los Angeles City of, Richard Riordan on 11/27/00 of Ntc to Adverse Ptys re Rmvl of Actn to Fed Crt (ir) (Entered: 12/01/2000)
12/14/2000	<a href="#">4</a>	ORDER TO REASSIGN CASE PURSUANT To Section 5.1/5.6 of General Order 224 by US Chief Judge Terry J. Hatter & Lourdes G. Baird, Chair of the Related Case Assignment Committee. Reassigning all related cases commonly referred to as the "Rampart Division Cases" to Judge Gary A. Feess to hear all proceedings through pretrial or for as long as the Judge deems appropriate. Any disc matters will be referred to Discovery Andrew J. Wistrich . The case number will now reflect the initials of the transferee Judge [ CV 00-12531 GAF (AJWx)] [ Related Group Ctrl No.: CV 99-11629 GAF (AJWx)] (cc: all counsel) (rn) (Entered: 12/14/2000)
01/04/2001	<a href="#">5</a>	MINUTES: (In Chambers) Cnsl are directed to the Crts website to read all posted Ords under the low-number case & all Ord identified as "and all identified 'Ramparts' cases"; these Ords contain info that will apply to this case by Judge Gary A. Feess CR: None (rrey) (Entered: 01/05/2001)
02/05/2001	<a href="#">6</a>	ORDER permitting dfts to file mots for summary adjudication of Section 1983 Claims by Judge Gary A. Feess (rrey) (Entered: 02/06/2001)
02/06/2001	<a href="#">7</a>	MINUTES: The crt now partially lifts that stay to permit ANY, dft claiming ABSOLUTE IMMUNITY from liab for damages &/or inj rel; All mtns must be fld by 2/26/01; Opp sh be fld nlt 3/12/01; Rply brfs on or before 3/19/01; The crt wil hear argument 3/26/01 9:30am; The crt fur orders that any dft other than police officer dfts of any rank who clms

		QUALIFIED IMMUNITY FROM SUIT must present that issue to the Crt by way of a mot to dism; mot sh be fld nlt 3/5/01; opp sh be fld nlt 3/19/01; Rply brs are to be fld nlt 3/26/01; The crt will hear argument on any such mtns on 4/2/01 9:30am. this ord partially lifts the stay in place in this case to permit the filing of the mtns. by Judge Gary A. Feess CR: None Present (send) (pj) Modified on 02/07/2001 (Entered: 02/07/2001)
04/27/2001	<a href="#">8</a>	MINUTES: (In Chambers) To facilitate the orderly consideration of the iss presented by the Rampart-related cases, the Crt's prior ord staying all proceedings in this case is partially lifted for the purpose of permitting dfts to file mot; All mot shall be fld NLT 5/14/01. All opp shall be fld NLT 5/29/01. Any replies shall be fld by 6/4/01. Crt will hold a hrg on any mot fld on 6/11/01 @ 10:00 (See doc for specifics) IT IS SO ORD by Judge Gary A. Feess CR: None Present (PSEND) (ir) (Entered: 05/01/2001)
06/20/2001	<a href="#">9</a>	MINUTES: (In Chambers) Rule 5 svc requirement is mandatory & the Crt expects all ptys to comply w/ its terms for all future matters by Judge Gary A. Feess CR: None. (rrey) (Entered: 06/21/2001)
08/21/2001	10	NOTICE OF CHANGE Of Telephone & Facsimile Numbers filed by attys Paul N Paquette, Cecil W Marr for defendants that the Phone & Fax # have changed as follows: Telephone (213) 978-2206; Facsimile (213) 978-2211. (jp) (Entered: 08/22/2001)
09/14/2001	<a href="#">11</a>	MINUTES NOTICE RE PARTIAL LIFTING OF STAY: Drafts of 4 docs by 10/15/01; status conference set for 3:00 10/22/01 by Judge Gary A. Feess CR: None Present (p send) (pj) (Entered: 09/17/2001)
09/23/2001	<a href="#">12</a>	MINUTES: To clarify the status of this case, plaintiff is hereby Ordered to show cause in writing no later than 10/9/01, why the remainder of this action should not be dismissed for failure to effect timely service by Judge Gary A. Feess CR: N/A (bp) (Entered: 09/25/2001)
10/01/2001	13	NOTICE OF MOTION AND MOTION by defendant Los Angeles City of for compulsory joinder ; motion hearing set for 9:30 11/5/01 (pj) (Entered: 10/04/2001)
10/19/2001	<a href="#">14</a>	MINUTES: To date, plaintiff has filed no response of any kind to the court's order. Accordingly, the following defendants are dismissed terminating party Does, party Stephen Yslas, party Robert Weil, party Barara Lindemann Schlei, party Stanley Sheinbaum, party Melanie Lomax, party Enrique Hernandez, party Maxwell Greenberg, party Gary Greenbaum, party Gavin, party James Fisk, party Edith Perez, party Art Mattox, party T Warren Jackson, party Deirdre Hughes Hill, party Dean Hansell, party Raymond C Fisher, party Herbert Boeckmann, party William Williams, party Bernard Parks, party John Doe, party John Doe, party John Doe, party John Doe, party Doe Guerra, party Brian Hewitt, party Doe party Antonio Rico by Judge Gary A. Feess CR: N/A (bp) (Entered: 10/22/2001)
10/26/2001	<a href="#">15</a>	MINUTES: Rather than require plaintiffs' counsel to make two appearances on the same day, the court hereby reschelues the status conference for 9:30 11/5/01 by Judge Gary A. Feess CR: N/A (bp) (Entered: 10/29/2001)
10/30/2001	<a href="#">16</a>	MINUTES: (In Chambers) Crt tentatively concludes that the City's motion for compulsory joinder [13-1] should be DENIED by Judge Gary A. Feess CR: None Present (PSEND) (ir) (Entered: 10/31/2001)
11/06/2001	<a href="#">17</a>	MINUTES before Judge Gary A. Feess: FINAL RULING ON DFTS RULE 19 JOINDER MOTIONS. The Crt DENIES the motions [13-1] (see doc for fur detail). CR: Lisa Gonzalez (cc: All Cnsl) (Send) (jp) (Entered: 11/08/2001)
11/07/2001	<a href="#">18</a>	MIN bef Judge Gary A Feess: On 11/5/01 the Crt convened a stat conf w/plfs cnsl in the Rampart-related cases. Ord addresses several of the issues raised by cnsl during Stat conf.



		As of the time of the stat conf the Crt had not recd a rpt from plfs cnsl re stat of Monell discov materials. The Crt sched a 2nd status conference set for 3:00 12/6/01. Any pty may file a mot raising the conflict of interest issue NLT 11/26/01 for hrg on 12/17/01. CR: N/P (SEND) (jp) (Entered: 11/08/2001)
12/06/2001	<a href="#"><u>19</u></a>	MIN bef Judge Gary A Feess: Crt convened a stat conf in the Rampart-rel cases on 12/06/01. This Ord addresses several of the issues raised during the conf. Cnsl for the City is ORDERED to review the CD-ROM's containing Rafael Perez testimony to determine if they have a search capability. The City shall subm a Brief Report to the Mag Judge NLT 12/21/01. The plfs Steering Committee & cnsl for the city are ORD to confer on this issue NLT 12/21/01 (see doc for fur detail). The City is ORD to prepare to proposal for coordinating discov req & resp to all plfs in all Rampart cases (see doc for fur detail). City shall circulate the proposal to all defense cnsl NLT 12/28/01. Steering Committee should be chosen & defense cnsl should resp to the City w/any suggestions NLT 01/11/02, the proposal should be subm to the Mag Judge NLT 01/25/02 (see doc for fur detail). CR: John Turman (Psend) (jp) (Entered: 12/12/2001)
12/06/2001	<a href="#"><u>20</u></a>	MIN bef Judge Gary A Feess: Crt convened a stat conf in the Rampart-rel cases on 12/06/01. This Ord addresses several of the issues raised during the conf. Cnsl for the City is ORDERED to review the CD-ROM's containing Rafael Perez testimony to determine if they have a search capability. The City shall sbum a Brief Rpt to the Mag Judge NLT 12/21/01. Plfs Steering Committee & cnsl for the city are ORD to confer on this issue NLT 12/21/01 (see doc for fur detail). City is ORD to prepare a proposal for coordinating discov req & resp to all plfs in all Rampart cases (see doc for fur detail). City shall circulate the proposal to all defense cnsl NLT 12/28/01. Steering Committe should be chosen & defense cnsl should resp to the City w/any suggestions NLT 1/11/02, the proposal should be subm to the Mag judge NLT 01/25/02 (see doc for fur detail). CR: John Turman (Psend) (jp) (Entered: 12/12/2001)
04/24/2002	<a href="#"><u>21</u></a>	MINUTES: The stay on the filing of motions previously ordered by this court is partially lifted. The stay on summary judgment motions remains in place. All pending motions in these cases, are denied without prejudice. Defense counsel are Ordered to provide plaintiffs with copies of any previous orders issued by this court in other Rampart cases which counsel believe address the issues they intend to move on. All defendants who have not previously answered, shall answer or otherwise respond to the cmplaint no later than Friday, May 24, 2002 by Judge Gary A. Feess CR: N/A (bp) (Entered: 04/29/2002)
05/07/2002	<a href="#"><u>22</u></a>	MINUTES: (In Chambers) In Sept 2001 Crt partially lifted stay on disc to permit ptys to engage in "incident specific" disc; Crt now anticipates that the remaining restrictions on disc will be lifted in the near fur; To facilitate this process, Crt makes the following ord: Mag Judge Wistrich is auth to ent any ord nec to coordinate & streamline all remaining aspects of disc & to lift remaining restrictions on disc as oon as practicable; Judge Wistrich will review the current status of disc to determine whether any addtl ord are desirable & will advise ptys' steering committees if he wants them to submit proposals re the coordination of depo practice; He will notify all ptys as soon as any addtl disc is auth (See doc for fur details) IT IS SO ORD by Judge Gary A. Feess CR: None Presnet (ir) (Entered: 05/08/2002)
05/24/2002	23	CERTIFICATION OF INTERESTED PARTIES filed by defendant Los Angeles City of, defendant Richard Riordan (bp) (Entered: 05/28/2002)
05/24/2002	24	NOTICE OF MOTION AND MOTION by defendants Los Angeles City, Richard Riordan, Bernard Parks, Arturo Rico to dismiss cmp for failure to state a claim for relief ; motion hearing set for 9:30 6/24/02 (jp) (Entered: 05/29/2002)
05/24/2002	25	REQUEST FOR JUDICIAL NOTICE; MEMO OF P/A; DECL OF WENDY SHAPERO; EXHIBIT by defendants Los Angeles City, Richard Riordan, Bernard Parks, Arturo Rico

		re motion to dismiss cmp for failure to state a claim for relief [24-1] (jp) (Entered: 05/29/2002)
06/13/2002	<a href="#">26</a>	MINUTES: The hearing on motion to dismiss cmp for failure to state a claim for relief [24-1], is continued to 9:30 7/1/02 by Judge Gary A. Feess CR: N/A (bp) (Entered: 06/14/2002)
06/14/2002	<a href="#">27</a>	MINUTES: On June 13, 2002, the court issued an order continuing the hearing on defendants' motion to dismiss to Monday, July 1, 2002 at 9:30 a.m. That order inadvertently included a reply date on July 24, 2002. The correct date for defendants to file their reply is Monday, June 24, 2002 by Judge Gary A. Feess CR: N/A (bp) (Entered: 06/18/2002)
06/24/2002	<a href="#">28</a>	MINUTES: granting defendants motion to dismiss cmp for failure to state a claim for relief [24-1] terminating party Richard Riordan, party Los Angeles City of by Judge Gary A. CR: N/A (bp) (Entered: 06/26/2002)
11/22/2002	<a href="#">29</a>	MINUTES before Judge Gary A. Feess: NOTICE OF LIFTING OF STAY: In all Rampart cases whose case number begin with 90- or 00-, the Court is lifting any remaining stay order now in place. In connection with the lifting of any remaining stay, the parties in those cases are hereby order to prepare a Rule 26(f) Joint Report (see document for further details). CR: N/P (jp) (Entered: 11/25/2002)
01/24/2003	<a href="#">30</a>	MINUTES: (In Chambers) The parties in this "Rampart" case required to take notice of the attached sched of Trial & Pretrial dates. All parties are to respond by providing the Court with either a joint or individual list of dates NLT 2/14/03 (see doc) by Judge Gary A. Feess CR: None Present (el) (Entered: 01/24/2003)
01/27/2003	<a href="#">31</a>	MINUTES: Upon review of the case file, it is the court's understanding that the last two defendants in this case were dismissed on June 24, 2002. As no defendants remain in this action, this case is now closed terminating case (MD JS-6) by Judge Gary A. Feess CR: N/A (bp) (Entered: 01/28/2003)

PACER Service Center			
Transaction Receipt			
06/10/2022 14:12:48			
<b>PACER Login:</b>	fpdcac0087	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:00-cv-12531-GAF-AJW End date: 6/10/2022
<b>Billable Pages:</b>	6	<b>Cost:</b>	0.60
<b>Exempt flag:</b>	Exempt	<b>Exempt reason:</b>	Always



1 GREGORY W. MORENO, SBN 57844  
 2 FRANK PEREZ, SBN 205377  
 3 MORENO, BECERRA, GUERRERO & CASILLAS  
 4 A Professional Law Corporation  
 5 3500 West Beverly Boulevard  
 6 Montebello, CA 90640-1541  
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 8 Facsimile: (323) 725-0350

9 Attorneys for Plaintiff  
 10 CARLOS CORRALES

11  
 12 **UNITED STATES DISTRICT COURT**  
 13 **CENTRAL DISTRICT OF CALIFORNIA**

14 **AHM**

15 CARLOS CORRALES

16 CASE NO: 03-0910 (SHx)

17 Plaintiff,

18 **COMPLAINT FOR DAMAGES:**

19 v.

20 **CIVIL RIGHTS VIOLATIONS**  
 21 **PURSUANT TO 42 U.S.C. §§ 1983,**  
 22 **1985, 1986, 1988; NEGLIGENCE AND**  
 23 **FALSE IMPRISONMENT**

24 CITY OF LOS ANGELES, JEFFERY  
 25 ROBB, DAVID VINTON, SCOTT VOELTZ,  
 26 NATHAN BUTCHER, AND DOE  
 27 DEFENDANTS 1 THROUGH 10,  
 28 INCLUSIVE.

**[REQUEST FOR JURY TRIAL]**

Defendants.

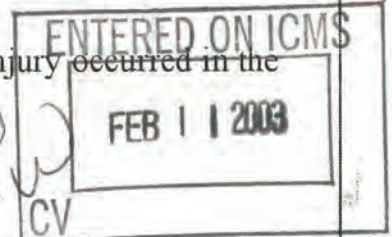
**COMPLAINT**

**COMES NOW PLAINTIFF CARLOS CORRALES, and alleges as follows:**

**I.**

**VENUE AND JURISDICTION**

1. This action is brought pursuant 42 U.S.C. §§ 1983, and the Fourth and Fourteenth Amendments of the United States Constitution. Jurisdiction is founded on 29 U.S.C. §§1331 and 1343(1), (2), (3) and (4), and the aforementioned statutory and Constitutional provisions.
2. Venue is proper in the Central District of California. The injury occurred in the City of Los Angeles, California.





**II.****PARTIES**

3. At all times relevant hereto, Plaintiff CARLOS CORRALES is and was a resident of the County of Los Angeles, California. Plaintiff is Hispanic/American and Latino.
4. At all times mentioned herein, Defendant CITY OF LOS ANGELES was a public entity duly organized and existing under and by virtue of the laws of the State of California.
5. At all times relevant herein, Defendants JEFFERY ROBB, DAVID VINTON, SCOTT VOELTZ, NATHAN BUTCHER, and DOES 1 through 5, (hereafter "POLICE OFFICER DEFENDANTS") were residents of the County of Los Angeles, and were police officers, detectives, and/or civilian employees, agents and representatives of the City of Los Angeles Police Department and employees, agents and representatives of the City of Los Angeles. At all times relevant hereto, said Defendants were acting within the course and scope of their employment as officers, sergeants, captains, and/or civilian employees of the Los Angeles Police Department, a department and subdivision of Defendant City of Los Angeles. At all times relevant herein, said Defendants were acting under color of law, to wit, under the color of the statutes, ordinances, regulations, policies, customs, practices and usages of Defendant CITY OF LOS ANGELES, its police department and/or the State of California.
6. At all times relevant herein, Defendants BERNARD PARKS, and DOES 6 through 10, (hereafter "SUPERVISING OFFICER DEFENDANTS") were residents of the County of Los Angeles, and were police officers, sergeants, detectives, captains, lieutenants, chiefs of police, and/or civilian employees, agents and representatives of the City of Los Angeles Police Department and employees, agents and representatives of the City of Los Angeles. At all times relevant hereto, said Defendants were acting within the course and scope of their employment as



1 officers, sergeants, captains and chiefs of police, policy makers, and/or civilian  
2 employees of the Los Angeles Police Department, a department and subdivision of  
3 Defendant City of Los Angeles. At all times relevant herein, said Defendants were  
4 acting under color of law, to wit, under the color of the statutes, ordinances,  
5 regulations, policies, customs, practices and usages of Defendant CITY OF LOS  
6 ANGELES, its police department and/or the State of California.

7 7. PLAINTIFFS are ignorant of the true names and capacities of Defendants sued  
8 herein as DOE Defendants 1 through 10, inclusive, and therefore sues these  
9 Defendants by such fictitious names. PLAINTIFF will amend this complaint to  
10 allege their true names and capacities when ascertained. PLAINTIFF is informed  
11 and believes and thereon alleges that each of the fictitiously named Defendants is  
12 responsible in some manner for the occurrences herein alleged, and that  
13 PLAINTIFF's injuries as herein alleged were proximately caused by the acts  
14 and/or omissions of said fictitiously named Defendants.

15 8. DOE Defendants 1 through 10, inclusive, and each of them, are and were at all  
16 times relevant hereto, officers, sergeants, captains, commanders, supervisors  
17 and/or civilian employees, and agents and representatives of the City of Los  
18 Angeles Police Department, acting within their capacity as employees, agents and  
19 servants of the Defendant CITY OF LOS ANGELES. Said Defendants, and at all  
20 times alleged herein where acting within the course and scope of that employment  
21 and agency. DOES 1 through 10 are sued individually and in their capacity as  
22 police officers, sergeants, captains, commanders, supervisors and other officers for  
23 the City of Los Angeles Police Department, a department and subdivision of  
24 Defendant CITY OF LOS ANGELES.

25 9. At all times relevant herein, Defendants JEFFERY ROBB, DAVID VINTON, SCOTT  
26 VOELTZ, NATHAN BUTCHER, BERNARD PARKS, and DOE Defendants 1  
27 through 10, and each of them, were acting under color of law, to wit, under the  
28 color of the statutes, ordinances, regulations, policies, customs, practices and



1 usages of Defendant CITY OF LOS ANGELES, its police department and/or the  
2 State of California.

3 10. At all times relevant herein, Defendants, BERNARD PARKS, and DOE  
4 Defendants 5 through 10, inclusive, were supervisors and policy makers for the  
5 City of Los Angeles Police Department, and for its special police unit known as  
6 "CRASH" whose stated purpose was to address gang crimes, and which employed  
7 organized, unlawful, and illegal customs and practices of illegal searches and  
8 seizures, false arrests which lacked probable cause, falsification of evidence, filing  
9 of false police reports in violation of P.C. §118.1, and the commission of perjury  
10 in carrying out their mandate. Said misconduct was encouraged, tolerated, ratified,  
11 and condoned by Defendants BERNARD PARKS, and DOE Defendants 5 through  
12 10, inclusive.

13 11. At all times relevant herein, Defendants JEFFERY ROBB, DAVID VINTON,  
14 SCOTT VOELTZ, NATHAN BUTCHER, BERNARD PARKS, and DOE  
15 Defendants 1 through 10, and each of them, were acting within the course and  
16 scope of their employment as police officers and employees of the CITY OF LOS  
17 ANGELES, which is liable in respondeat superior for said employees state-law  
18 torts pursuant to section 815.2 of the California Government Code.

19 12. Plaintiff has complied with the presentation requirements of the Tort Claims Act  
20 said by timely presenting claims with the City of Los Angeles, and said claims  
21 having been rejected, denied and/or denied by operation of law by the City of Los  
22 Angeles, PLAINTIFFS bring the present action.

### 23 III.

#### 24 FACTS COMMON TO ALL COUNTS/CAUSES OF ACTION

25 13. On February 19, 2002, a writ of habeas corpus was granted by the Honorable Paul  
26 Fidler, Judge of the Superior Court of the State of California for the County of Los  
27 Angeles which unconditionally overturned, expunged and otherwise invalidated  
28 PLAINTIFF's conviction rendered against him for violating Health and Safety Code



1       § 11352 (a).

2   14.   PLAINTIFF was originally arrested by POLICE OFFICER DEFENDANTS who  
3       were at all times relevant hereto Los Angeles police officers assigned to the  
4       LAPD's Rampart Division.

5   15.   On August 8, 1998, POLICE OFFICER DEFENDANTS arrested PLAINTIFF  
6       without probable cause. On said date, PLAINTIFF was lawfully walking along a  
7       sidewalk within the City of Los Angeles.

8   16.   POLICE OFFICER DEFENDANTS approached PLAINTIFF and without cause or  
9       provocation, said Defendants unlawfully detained PLAINTIFF and falsely accused  
10      him of selling narcotics.

11   17.   POLICE OFFICER DEFENDANTS then produced narcotics from their own  
12      persons and falsely attributed possession of these items to PLAINTIFF.

13   18.   POLICE OFFICER DEFENDANTS thereafter falsely accused PLAINTIFF of  
14      distributing narcotics, and arrested PLAINTIFF for their sale and possession. Said  
15      Defendants took PLAINTIFF into custody without legal cause.

16   19.   Said Defendants thereafter authored false and misleading police reports attributing  
17      the possession and distribution of narcotics to PLAINTIFF. Said police reports  
18      detailed an elaborate and false account of the encounter between PLAINTIFF and  
19      said Defendants and falsely accused PLAINTIFF of possessing and distributing  
20      said narcotics.

21   20.   Said Defendants booked as evidence against PLAINTIFF narcotics which they  
22      knowingly falsely attributed to PLAINTIFF.

23   21.   The District Attorney's Office, in reliance on said false reports of POLICE  
24      OFFICER DEFENDANTS subsequently filed a felony complaint against  
25      PLAINTIFF, charging PLAINTIFF with violating Health and Safety Code § 11352 (a).  
26      A preliminary hearing was conducted, and after the hearing where POLICE  
27      OFFICER DEFENDANTS gave testimony consistent with their false allegations in  
28      their police reports, PLAINTIFF was held to answer, and the matter proceeded to



1 trial.

2 22. The above-described false testimony of POLICE OFFICER DEFENDANTS was  
3 given pursuant to an express and/or implied agreement among said Defendants that  
4 they would repeat the false version of events contained in the false police reports  
5 authored by said Defendants, and that said testimony would be given to wrongfully  
6 and illegally convict PLAINTIFF and cause him to be sentenced to County Jail for  
7 an extended period of time. In carrying out this unlawful and malicious plan, said  
8 Defendants secured the cooperation, approval, and assistance of other officers,  
9 sergeants, captains, supervisors and civilian employees from the LAPD's Rampart  
10 Station.

11 23. Acting in concert and acting pursuant to their plan, POLICE OFFICER  
12 DEFENDANTS then repeated their false testimony against PLAINTIFF during his  
13 criminal trial, and based on said false and perjurious testimony and upon the false  
14 evidence which said Defendants had attributed to PLAINTIFF, PLAINTIFF  
15 entered a plea of nolo contendere to the charges as alleged. As a result thereof,  
16 PLAINTIFF thereafter entered penal custody with the Los Angeles County Sheriff  
17 Department's County Jail and the custody of the Immigration and Naturalization  
18 Service ("INS") despite his status as a legal resident alien.

19 24. From the date of his arrest, until the date of his release from the custody of the INS  
20 custody, PLAINTIFF was wrongfully and illegally incarcerated and imprisoned for  
21 a total period of approximately 12 months.

22 25. PLAINTIFF continues to suffer from the injuries proximately caused by his  
23 wrongful, false and malicious arrest, detention, prosecution, conviction and  
24 imprisonment by way of continuous shock, fear, apprehension, nervousness,  
25 anxiety, depression, and pain and suffering.

26 26. As provided in Heck v. Humphrey, 512 U.S. 477, 486-487, 117 S. Ct. 2354 (1994)  
27 and Cabrera v. City of Huntington Park, 159 F.3d 374 (9<sup>th</sup> Cir, 1998),  
28 PLAINTIFF's claims for false arrest, malicious prosecution and false



1 imprisonment did not accrue until his conviction was overturned on the above  
2 indicated date.

3 27. Prior to the filing of the present complaint, the present plaintiffs timely complied  
4 with the claim presentation requirements of the Government Code. Said claims  
5 having been rejected or deemed rejected by the operation of law, the state-law  
6 claims in the present action are hereby brought.

7 28. Defendant City of Los Angeles is liable in respondeat superior pursuant to Section  
8 815.2 of the California Government Code for the acts of its employees named  
9 herein who at all times alleged herein was acting in the course and scope of their  
10 employment with said public entity.

11 **IV.**

12 **FIRST COUNT/CAUSE OF ACTION**

13 **VIOLATION OF PLAINTIFF'S PROCEDURAL AND**  
14 **SUBSTANTIVE DUE PROCESS RIGHTS THROUGH**  
15 **MALICIOUS PROSECUTION/FALSE IMPRISONMENT**

16 **[As to POLICE OFFICER DEFENDANTS]**

17 29. PLAINTIFF repeats, realleges, and incorporates each and every allegation of each  
18 and every paragraph in Sections II and III above as though fully set forth herein.

19 30. This action is brought pursuant to 42 U.S.C. §1983 and the Fourteenth  
20 Amendment of the United States Constitution for violation of PLAINTIFF's  
21 procedural and substantive due process rights and the violation thereof resulting  
22 from the malicious prosecution by the Defendants named herein and the resulting  
23 false imprisonment.

24 31. As delineated in the above, PLAINTIFF was wrongfully arrested without probable  
25 cause, and was charged, tried and convicted of felonies he did not commit based  
26 upon the false charges, statements, police reports, evidence and testimony  
27 presented by POLICE OFFICER DEFENDANTS.

28 32. Said Defendants, in violation of Penal Code section 118.1 filed materially false



1 police reports, made materially false statements to investigators and prosecutors  
2 that PLAINTIFF had possessed said firearm, and presented falsified evidence, all  
3 for the purpose of having PLAINTIFF wrongfully, unjustly and falsely charged  
4 with crimes, and to ensure that PLAINTIFF would be falsely and wrongfully  
5 prosecuted.

6 33. At no time did said Defendants have probable cause to arrest and charge  
7 PLAINTIFF for any crime or to recommend that he be prosecuted.

8 Notwithstanding this, with malice and conscious disregard for his rights to due  
9 process, said Defendants presented the above false evidence and recommended  
10 that PLAINTIFF be charged and prosecuted and thereafter meaningfully  
11 participated in his prosecution to ensure his wrongful conviction and wrongful  
12 imprisonment.

13 34. As a result of the above-described acts and misconduct, PLAINTIFF was  
14 wrongfully and unjustly convicted of the violations indicated in Section III above,  
15 and thereafter was wrongfully sentenced to County Jail.

16 35. As indicated in Section III above, PLAINTIFF's conviction was expunged,  
17 overturned and/or otherwise unconditionally invalidated by valid court order. As a  
18 result of the misconduct described herein, PLAINTIFF was detained, incarcerated  
19 and imprisoned for the period stated in Section III above.

20 36. As the actual and proximate result of the acts and omissions of said Defendants as  
21 described herein, PLAINTIFF was made to lose his freedom and liberty for the  
22 period stated above in Section III, this in violation of the Fourteenth Amendment's  
23 procedural and substantive due process guarantees. During said incarceration  
24 PLAINTIFF suffered personal and bodily injuries, and during said time he  
25 suffered, and continues to suffer, severe emotional and psychological pain,  
26 suffering, anxiety, depression, anguish, shock, and fear. Further, PLAINTIFF has  
27 been made to hire medical specialists for treatment and therapy for his injuries. As  
28 further proximately resulting from said Defendants' misconduct, PLAINTIFF has



1 experienced a significant loss of wages and a significant loss of his ability to  
2 obtain and maintain gainful employment.

3 37. The aforementioned acts of said Defendants was willful, wanton, malicious and  
4 oppressive and said misconduct shocks the conscience thereby justifying the  
5 awarding of exemplary and punitive damages as to these Defendants.

6 **V.**

7 **SECOND COUNT/CAUSE OF ACTION**

8 **VIOLATION OF CONSTITUTIONAL RIGHT TO BE FREE FROM**  
9 **UNREASONABLE SEARCHES AND SEIZURES**

10 **[AS TO POLICE OFFICER DEFENDANTS]**

11 38. PLAINTIFF repeats, reallege and incorporates each and every allegation above as  
12 though fully set forth herein.

13 39. This action is brought pursuant to 42 U.S.C. §1983, and the Fourth Amendment of  
14 the United States Constitution.

15 40. At all times relevant hereto, PLAINTIFF possessed the right, guaranteed by the  
16 Fourth Amendment of the United States Constitution, to be free from unreasonable  
17 searches and seizures by police officers acting under the color of law.

18 41. As described in Section III above, POLICE OFFICER DEFENDANTS violated  
19 PLAINTIFF's Fourth Amendment rights by unlawfully and unreasonably  
20 detaining, handcuffing, arresting and imprisoning him without reasonable  
21 suspicion or probable cause.

22 42. In doing these things, said Defendants acted specifically with the intent to deprive  
23 PLAINTIFF of his constitutional rights under the Fourth Amendment to be free  
24 from unreasonable seizures.

25 43. Said Defendants subjected PLAINTIFF to the aforementioned deprivations by  
26 either actual malice, deliberate indifference or a reckless disregard of his rights  
27 under the U.S. Constitution.

28 44. Said Defendants, acted at all times herein knowing full well that the established



1 practices, customs, procedures and policies of the City of Los Angeles Police  
2 Department would allow a cover-up and allow the continued violation of the  
3 Fourth Amendment of the Constitution of the United States.

4 45. As a direct and proximate result of the aforementioned acts of said Defendants,  
5 PLAINTIFF suffered the violation of his constitutional rights as described above.  
6 As the further actual and proximate result of the acts and omissions of said  
7 Defendants, as described herein, PLAINTIFF was made to lose his freedom and  
8 liberty for the period of time indicated in Section III above, this in violation of the  
9 Fourteenth Amendment's due process guarantees. During said incarceration  
10 PLAINTIFF suffered personal and bodily injuries, and during said time he  
11 suffered, and continues to suffer, severe emotional and psychological pain,  
12 suffering, anxiety, depression, anguish, shock, and fear. Further, PLAINTIFF has  
13 been made to hire medical specialists for treatment and therapy for his injuries. As  
14 further proximately resulting from said Defendants' misconduct, PLAINTIFF has  
15 experienced a significant loss of wages and a significant loss of his ability to  
16 obtain and maintain gainful employment.

17 46. The aforementioned acts of said Defendants were willful, wanton, malicious and  
18 oppressive thereby justifying the awarding of exemplary and punitive damages as  
19 to said Defendants.

20 **VI.**

21 **THIRD COUNT/CAUSE OF ACTION**

22 **FAILURE TO INTERVENE TO PREVENT CIVIL RIGHTS VIOLATIONS**

23 **[As to POLICE OFFICER DEFENDANTS]**

24 47. PLAINTIFF repeats, reallege and incorporates each and every allegation above as  
25 though fully set forth herein.

26 48. This action is brought pursuant to 42 U.S.C. §1983, and the Fourteenth  
27 Amendment of the United States Constitution, for violation of PLAINTIFF's  
28 procedural and substantive due process rights.



- 1 49. At the time and place alleged herein, POLICE OFFICER DEFENDANTS were  
2 present at the immediate scene of the arrest and booking of PLAINTIFF.
- 3 50. At said date and location, said Defendants were in the position and authority to  
4 lawfully intervene in and prevent the unjustified and unwarranted detention and  
5 arrest of PLAINTIFF.
- 6 51. At said date and location, said Defendants had ample and reasonably sufficient  
7 time and opportunity to so intervene and prevent the unlawful detention and arrest  
8 of PLAINTIFF, and were compelled to do so as peace officers under the laws of  
9 the State of California and under the Constitution of the United States of America.
- 10 52. At said date and location, in deliberate indifference to PLAINTIFF's life, health  
11 and Constitutional rights, said Defendants intentionally and with deliberate  
12 indifference to the civil rights of PLAINTIFF, refrained from intervening in said  
13 detention and arrest.
- 14 53. As a result thereof, said Defendants unlawfully seized PLAINTIFF and unlawfully  
15 and unjustifiably arrested and imprisoned PLAINTIFF in violation of his rights  
16 under the Fourth and Fourteenth Amendments of the Constitution of the United  
17 States of America.
- 18 54. Thereafter, said Defendants were in the position and authority to lawfully  
19 intervene in and prevent the unjustified and unwarranted prosecution of  
20 PLAINTIFF and further failed to intervene to prevent the unlawful and malicious  
21 prosecution, conviction and imprisonment of PLAINTIFF. After said conviction,  
22 said Defendants were in the position and authority to stop the imprisonment of  
23 PLAINTIFF by revealing the falsity of the criminal allegations and evidence  
24 against PLAINTIFF and failed to do so and allowed PLAINTIFF to be wrongfully  
25 sentenced and thereafter imprisoned for the period indicated above in Section III.
- 26 55. As the actual and proximate result of the acts and omissions of said Defendants as  
27 described herein, PLAINTIFF was made to lose his freedom and liberty for the  
28 period stated above in Section III, this in violation of the Fourteenth Amendment's



1 procedural and substantive due process guarantees. During said incarceration  
2 PLAINTIFF suffered personal and bodily injuries, and during said time he  
3 suffered, and continues to suffer, severe emotional and psychological pain,  
4 suffering, anxiety, depression, anguish, shock, and fear. Further, PLAINTIFF has  
5 been made to hire medical specialists for treatment and therapy for his injuries. As  
6 further proximately resulting from said Defendants' misconduct, PLAINTIFF has  
7 experienced a significant loss of wages and a significant loss of his ability to  
8 obtain and maintain gainful employment.

9 56. The aforementioned acts of POLICE OFFICER DEFENDANTS were willful,  
10 wanton, malicious, oppressive and shocking to the conscience thereby justifying  
11 the awarding of exemplary and punitive damages as to said Defendants.

## 12 VII.

### 13 FOURTH COUNT/CAUSE OF ACTION

#### 14 **SUPERVISORIAL RESPONSIBILITY FOR VIOLATIONS OF PLAINTIFF'S** 15 **FOURTH AND FOURTEENTH AMENDMENT RIGHTS**

#### 16 **[As to Defendants Bernard Parks, and Does 6 Through 10, Inclusive]**

17 57. PLAINTIFF repeats, reallege and incorporates each and every allegation above as  
18 though fully set forth herein.

19 58. This action is brought pursuant to 42 U.S.C. §1983, for violation of PLAINTIFF's  
20 rights under the Fourth and Fourteenth Amendments of the U.S. Constitution.

21 59. On, or soon after, the date of PLAINTIFF's arrest, Defendants BERNARD  
22 PARKS, and DOES 6 through 10, inclusive, learned and became aware of the  
23 arrest of PLAINTIFF by POLICE OFFICER DEFENDANTS.

24 60. Thereafter, said Defendants conducted an investigation of the arrest by personally  
25 evaluating the evidence of the incident, by taking statements from the individuals  
26 involved.

27 61. Said Defendants were aware of the customs, practices, and propensities of their  
28 subordinates POLICE OFFICER DEFENDANTS to make false arrests, to file



1 false police reports in violation of P.C. §118.1, to falsify evidence and to commit  
2 perjury to conceal this misconduct, and to unlawfully and without probable cause  
3 or suspicion detain, arrest and imprison persons. Said Defendants tolerated,  
4 encouraged and expressly and impliedly condoned this misconduct by consciously  
5 and deliberately ignoring, turning a blind eye to and overlooking, ratifying, and  
6 condoning such misconduct.

7 62. Since 1990, said Defendants were aware of repeated acts of unlawful searches and  
8 seizures, the preparation and submission of false and misleading police reports, the  
9 falsification of evidence and the commission of perjury by POLICE OFFICER  
10 DEFENDANTS and of conspiracies amongst said police officers to conceal said  
11 misconduct.

12 63. Notwithstanding this knowledge, said Defendants encouraged and facilitated such  
13 conduct and deliberately and leniently overlooked and ratified the misconduct of  
14 POLICE OFFICER DEFENDANTS by failing to discipline said officers,  
15 approving false and misleading police reports authored by said officers, and failing  
16 to recommend the investigation and criminal prosecution of said officers for their  
17 misconduct, and in the present instance failing to supervise and control POLICE  
18 OFFICER DEFENDANTS so as to prevent the misconduct alleged herein and by  
19 failing to train said subordinate officers in the procedures, laws and practices that  
20 would eliminate the risk of the constitutional violations alleged herein.

21 64. By consciously and deliberately overlooking the repeated acts of misconduct and  
22 criminal acts by their subordinate officers, including their subordinates POLICE  
23 OFFICER DEFENDANTS, said Defendants established a custom and practice of  
24 condoning and ratifying such misconduct and criminal activity, and established a  
25 tolerated pattern of constitutional violations amongst their subordinate officers.  
26 The condoning of misconduct by said Defendants was so comprehensive and well-  
27 known that their subordinate officers were emboldened to blatantly violate the  
28 constitutional rights of any persons the subordinate officers came into contact with



1 while on duty and while off duty to commit crimes such as the theft and sales of  
2 narcotics, the theft of property, false arrests, perjury, assaults and batteries with  
3 impunity.

4 65. Through their conscious disregard for the rights of the persons their subordinates  
5 would come in contact with and through their custom and practice of encouraging,  
6 condoning, tolerating and ratifying constitutional violations and criminal activity  
7 by their subordinates, said Defendants were deliberately indifferent to the  
8 constitutional violations being committed by their subordinates, including POLICE  
9 OFFICER DEFENDANTS.

10 66. Based on the evaluation of the arrest and the evidence from the incident which  
11 underlies this lawsuit, said Defendants, as described above, and based on their  
12 knowledge of the prior misconduct of the officers involved in the incident,  
13 concluded that the arrest of PLAINTIFF was unjustified, that a conspiracy was in  
14 place and continuing between the police officers involved in the incident to  
15 conceal the wrongfulness of their conduct, and that discipline and criminal  
16 prosecution of the officers was called for. Notwithstanding this information and  
17 their conclusions, said Defendants ratified, condoned, approved and turned a blind  
18 eye to the misconduct of POLICE OFFICER DEFENDANTS by failing to  
19 discipline said officers and failing to recommend the investigation and criminal  
20 prosecution of said officers.

21 67. Because of their failure to act to prevent the continuing constitutional violations by  
22 their subordinates, and because of the establishment of the policies and practices  
23 described above as well as their failure to adequately train their subordinates, said  
24 Defendants are liable for the constitutional violations committed by POLICE  
25 OFFICER DEFENDANTS and for the damages suffered by PLAINTIFF as  
26 described herein. As the actual and proximate result of the acts and omissions of  
27 said Defendants, PLAINTIFF was wrongfully imprisoned and made to lose his  
28 freedom and liberty for the duration of the period indicated in section III above,



- 1 this in violation of the Fourteenth Amendment's due process guarantees.
- 2 68. As the actual and proximate result of the acts and omissions of said Defendants as
- 3 described herein, PLAINTIFF was made to lose his freedom and liberty for the
- 4 period stated above in Section III, this in violation of the Fourteenth Amendment's
- 5 procedural and substantive due process guarantees. During said incarceration
- 6 PLAINTIFF suffered personal and bodily injuries, and during said time he
- 7 suffered, and continues to suffer, severe emotional and psychological pain,
- 8 suffering, anxiety, depression, anguish, shock, and fear. Further, PLAINTIFF has
- 9 been made to hire medical specialists for treatment and therapy for his injuries. As
- 10 further proximately resulting from said Defendants' misconduct, PLAINTIFF has
- 11 experienced a significant loss of wages and a significant loss of his ability to
- 12 obtain and maintain gainful employment.
- 13 69. The aforementioned acts of BERNARD PARKS, and DOES 6 through 10,
- 14 inclusive were willful, wanton, malicious and oppressive thereby justifying the
- 15 awarding of exemplary and punitive damages as to these Defendants.

16 **VIII.**

17 **FIFTH COUNT/CAUSE OF ACTION**

18 **MUNICIPAL LIABILITY FOR VIOLATION OF CONSTITUTIONAL RIGHTS**

19 **[As to CITY OF LOS ANGELES, SUPERVISING OFFICER**

20 **DEFENDANTS and SUPERVISORY DEFENDANTS**

- 21 70. PLAINTIFF repeats, reallege and incorporates each and every allegation above as
- 22 though fully set forth herein.
- 23 71. This action is brought pursuant to 42 U.S.C. §1983 for violation of PLAINTIFF's
- 24 rights under the Fourth and Fourteenth Amendments.
- 25 72. On the date of PLAINTIFF's arrest indicated in Section III above POLICE
- 26 OFFICER DEFENDANTS, acting within the course and scope of their duties as
- 27 peace officers of the City of Los Angeles, deprived PLAINTIFF of his rights to be
- 28 free from unreasonable seizures and unlawful arrests as delineated herein above,



1 and thereafter in violation of PLAINTIFF's due process rights proceeded to falsify  
2 evidence, submit false police reports and offer perjurious testimony so as to ensure  
3 that PLAINTIFF would be wrongfully convicted and sentenced.

4 73. At the time of these constitutional violations by POLICE OFFICER  
5 DEFENDANTS, DEFENDANTS CITY OF LOS ANGELES, AND  
6 SUPERVISING OFFICER DEFENDANTS had in place, and had ratified,  
7 policies, procedures, customs and practices which permitted and encouraged their  
8 police officers to unjustifiably, unreasonably and in violation of the Fourth and  
9 Fourteenth Amendments, to unlawfully arrest persons without probable cause, and  
10 specifically Latinos/Hispanics, as well as members of other minority groups.

11 74. Said policies, procedures, customs and practices also called for the City of Los  
12 Angeles and its Police Department not to discipline, prosecute, or objectively  
13 and/or independently investigate or in any way deal with or respond to known  
14 incidents and complaints of false arrests, falsification of evidence, the preparation  
15 of false police reports to justify such wrongful conduct, and the giving of false  
16 testimony in trial to cover-up and conceal such wrongful conduct by officers of the  
17 Los Angeles Police Department and its Rampart Division, and for the City of Los  
18 Angeles to fail to objectively and/or independently investigate or in any way deal  
19 with or respond to or the related claims and lawsuits made as a result of such false  
20 arrests and related misconduct.

21 75. Defendants CITY OF LOS ANGELES and SUPERVISING OFFICER  
22 DEFENDANTS were aware of and were deliberately indifferent to a pervasive and  
23 widespread pattern and practice with the LAPD of concealing known instances of  
24 evidence planting, evidence tampering, perjury, falsified police reports, witness  
25 coercion, on-duty criminal acts and on-duty acts of moral turpitude. This pattern  
26 and practice was identified and documented by the commission appointed by the  
27 City of Los Angeles known as the "Christopher Commission." Said commission  
28 issued a report to the City of Los Angeles describing this pattern and practice as a



1 "Code of Silence" and identified it as a cause of continued civil rights violations,  
2 and put said Defendants on notice of the existence of such pattern and practice.  
3 Said Defendants failed to take any reasonable measures to correct this pattern and  
4 practice and as a result said city and persons have been deliberately indifferent to  
5 the civil rights violations which resulted, including those which are described in  
6 the present claim.

7 76. Said policies, procedures, customs and practices called for and led to the refusal of  
8 said Defendants to investigate complaints of previous incidents of false and  
9 unlawful arrests, the filing of false police reports to conceal such misconduct, the  
10 falsification of evidence and perjury and, instead, officially claim that such  
11 incidents were justified and proper.

12 77. Said policies, procedures, customs and practices called for said Defendants, by  
13 means of inaction and coverup, to encourage an atmosphere of lawlessness within  
14 the police department and to encourage their police officers to believe that  
15 improper arrest of residents of the Los Angeles County or persons present therein,  
16 including members of minority groups, the planting of evidence, the submission of  
17 false police reports, and the commission of perjury was permissible and to believe  
18 that unlawful acts of falsification of evidence and perjury would be overlooked  
19 without discipline or other official ramifications.

20 78. Said policies, procedures, customs and practices of said Defendants and each of  
21 them evidenced a deliberate indifference to the violations of the constitutional  
22 rights of PLAINTIFF. This indifference was manifested by the failure to change,  
23 correct, revoke, or rescind said policies, procedures, customs and practices in light  
24 of prior knowledge by said Defendants and their subordinate policymakers of  
25 indistinguishably similar incidents of unjustified and unreasonable and unlawful  
26 arrests, falsification of evidence, evidence tampering, submission of false police  
27 reports and perjury.

28 79. Deliberate indifference to the civil rights of minority groups and other victims of



1 the LAPD's unlawful arrests, falsified evidence, false and misleading police  
2 reports and false and perjurious testimony was also evidenced by said Defendants  
3 by their ignoring of the history and pattern of prior civil lawsuits alleging civil  
4 rights violations, similar to those alleged herein, arising from such misconduct and  
5 the related payment of judgments to such individuals.

6 80. Deliberate indifference to the civil rights of minority groups and other victims of  
7 the LAPD's unlawful arrests, falsified evidence, false and misleading police  
8 reports and false and perjurious testimony was also evidenced by said Defendants  
9 by their ignoring findings of the report by the Christopher Commission which  
10 found said policies, procedures, customs and practices to be in place, and found  
11 that there existed in the Los Angeles Police Department an environment and  
12 atmosphere which condoned unjustified and unreasonable police shootings, arrests,  
13 falsification of evidence, evidence tampering, submission of false police reports  
14 and perjury.

15 81. Deliberate indifference is also evidenced by an absence of or by maintenance of an  
16 inadequate system of tort claims tracking, firearms discharges tracking, use-of-  
17 force tracking, and by maintaining an inadequate system of officer discipline and  
18 independent and objective investigation by the City of Los Angeles and its police  
19 department which failed to identify and investigate instances of false and unlawful  
20 arrests, falsification of evidence, submission of false police reports and perjury.

21 82. Deliberate indifference to the civil rights of minority groups and other victims of  
22 the LAPD's unlawful arrests and falsified evidence was also evidenced by the  
23 failure of by said Defendants to adequately train and more closely supervise or  
24 retrain officers and/or discipline or recommend prosecution of those officers who  
25 in fact improperly used such weapons, falsified evidence, tampered with evidence,  
26 submitted false and misleading police reports, and/or committed perjury.

27 83. Deliberate indifference to the civil rights of minority groups and other victims of  
28 the LAPD's unlawful arrests and falsified evidence was also evidenced by said



1 Defendants support of and participation in the proceedings to implement an  
2 injunction against a defined group of Hispanic/Latino men and women living in  
3 and around the west central/ Pico-Union area of Los Angeles by falsely alleging  
4 that said individuals had participated in an organized and deliberate course of  
5 criminal conduct. Based upon the assistance, support and testimony of said  
6 Defendants, said injunction was granted and said Defendants then organized a  
7 deliberate and malicious plan, scheme and/or program to target said persons for  
8 harassment, arrest, detention, prosecution and imprisonment. Said plan, scheme  
9 and/or program was carried out by the officers of the Los Angeles Police  
10 Department, and POLICE OFFICER DEFENDANTS, and convictions under this  
11 injunction were obtained through falsified evidence, through acts of evidence  
12 tampering, the authoring and presentation of false and misleading police reports,  
13 and the presentation of false testimony at trial.

14 84. Other systemic deficiencies of said Defendants which indicated, and continue to  
15 indicate, a deliberate indifference to the violations of the civil rights by the officers  
16 of the Los Angeles Police Department include:

- 17 a. preparation of investigative reports designed to vindicate and/or justify false  
18 and unlawful arrests;
- 19 b. preparation of investigative reports which uncritically rely solely on the  
20 word of LAPD officers involved in unlawful arrests or in the planting of  
21 evidence and which systematically fail to credit testimony by non-officer  
22 witnesses;
- 23 c. preparation of investigative reports which omit factual information and  
24 physical evidence which contradicts the accounts of the officers involved;
- 25 d. issuance of public statements exonerating officers involved in such  
26 incidents prior to the completion of investigations of wrongful arrests.
- 27 e. failure to maintain centralized department-wide system for the  
28 tracking and monitoring tort claims and lawsuits alleging false



1 arrests, planting of evidence, perjury, abuse of authority, and race-  
2 based misconduct by individual officers so as to identify those  
3 officers who engage in a pattern of abuse of police authority and  
4 police misconduct.

5 85. Said Defendants also maintained a system of grossly inadequate training pertaining  
6 to the lawful making of arrests, police ethics, the law pertaining to searches and  
7 seizures, testifying in trial and perjury, the collection of evidence, and the  
8 preparation of police reports.

9 86. Deliberate indifference to the civil rights of minority groups and other victims of  
10 the LAPD's false arrests, planting of evidence, and perjury was also evidenced by  
11 said Defendants' failure to implement an officer discipline system which would  
12 conduct meaningful and independent investigations of citizen complaints of false  
13 arrests, falsified evidence, evidence tampering, authoring and filing of false and  
14 misleading police reports, and the presentation of false testimony at trial.

15 87. Deliberate indifference to the civil rights of minority groups and other victims of  
16 the LAPD's unlawful arrests, falsified evidence, false and misleading police  
17 reports and false and perjurious testimony was also evidenced by said Defendants  
18 implementing a practice and custom within the Los Angeles Police department of  
19 permitting officers of the Los Angeles Police department to engage in unlawful  
20 activities while on duty, such as the theft and sale of narcotics and drugs, theft,  
21 assaults, batteries, and other crimes of moral turpitude.

22 88. The foregoing acts, omissions, and systemic deficiencies are policies and customs  
23 of said Defendants and such caused, permitted and/or allowed under official  
24 sanction POLICE OFFICER DEFENDANTS to be unaware of, or intentionally  
25 overlook and ignore, the rules and laws governing the probable cause requirements  
26 for arrests, the falsification of evidence or the tampering with evidence, the  
27 submission of false police reports and the commission of perjury in criminal trials.  
28 The foregoing acts, omissions, and systemic deficiencies are policies and customs



1 of said Defendants and such caused, permitted and/or allowed under official  
2 sanction said police officer Defendants to believe that arrests are entirely within  
3 the discretion of the officer and that improper and unlawful arrests, evidence  
4 falsification, filing of false and misleading police reports, and the commission of  
5 perjury would not be objectively, thoroughly and/or properly investigated, all with  
6 the foreseeable result that Defendants' officers would make false and unlawful  
7 arrests, and falsify evidence, submit false and misleading police reports, and  
8 commit perjury, and thereby violate the civil rights of the citizens of this state with  
9 whom said officers would come into contact with.

10 89. As a result of the aforementioned acts, omissions, systematic deficiencies, policies,  
11 procedures, customs and practices, POLICE OFFICER DEFENDANTS  
12 unlawfully arrested PLAINTIFF, and developed and implemented a plan to falsely  
13 accuse him of possessing a firearm, and to secure his prosecution, conviction and  
14 imprisonment through the offering of false and misleading police reports and the  
15 presentation of falsified evidence and perjurious testimony.

16 90. As the actual and proximate result of the acts and omissions of said Defendants as  
17 described wherein, PLAINTIFF was made to lose his freedom and liberty for the  
18 period stated above in Section III, this in violation of the Fourteenth Amendment's  
19 procedural and substantive due process guarantees. During said incarceration  
20 PLAINTIFF suffered personal and bodily injuries, and during said time he  
21 suffered, and continues to suffer, severe emotional and psychological pain,  
22 suffering, anxiety, depression, anguish, shock, and fear. Further, PLAINTIFF has  
23 been made to hire medical specialists for treatment and therapy for his injuries. As  
24 further proximately resulting from said Defendants' misconduct, PLAINTIFF has  
25 experienced a significant loss of wages and a significant loss of his ability to  
26 obtain and maintain gainful employment.

27 91. The aforementioned acts of SUPERVISING OFFICER DEFENDANTS were  
28 willful, wanton, malicious and oppressive thereby justifying the awarding of



1 exemplary and punitive damages as to these Defendants.

2 **IX.**

3 **SIXTH COUNT/CAUSE OF ACTION**

4 **DELIBERATE INDIFFERENCE TO CONSTITUTIONAL**  
5 **VIOLATIONS AND SUPERVISORIAL LIABILITY**

6 **[As to Defendant Bernard Parks]**

7 92. PLAINTIFF repeats, reallege and incorporates each and every allegation of each  
8 and every paragraph in Sections II, III, IV and V above as though fully set forth  
9 herein.

10 93. This action is brought pursuant to 42 U.S.C. §1983 for violation of PLAINTIFF's  
11 Fourth and Fourteenth Amendment rights.

12 94. Defendant BERNARD PARKS, as the Chief of Police for the City of Los Angeles,  
13 during the period of January 1, 1995 to and beyond October 4, 2000, was the head  
14 police officer of the Los Angeles department to whom all subordinate officers  
15 reported through a chain of command established by said Defendant. Pursuant to  
16 the City Charter, Defendant BERNARD PARKS, as the chief of police, exercises  
17 the general powers and performs the duties of chief of police, and exercises direct  
18 supervision over all personnel through the office of the chief of police. Said  
19 Defendant is the general manager and chief administrative officer of the police  
20 department.

21 95. Defendant Parks directly managed and carried out these responsibilities, duties and  
22 assignments during this period.

23 96. During the summer of 1998, Defendant BERNARD PARKS learned and was  
24 informed through a 40-page memorandum from LAPD detective Russell Poole  
25 that there was an ongoing and pervasive pattern and custom of illegal activities  
26 within the LAPD consisting of the falsification of evidence and perjury which  
27 resulted in the wrongful and illegal conviction and sentencing of innocent persons.  
28 Said report included photographs of Defendant RAFAEL PEREZ wearing the



- 1 clothes of a local street gang and flashing the hand signals of said street gang.  
2 Said report/memorandum also detailed the outcome of a search of Defendant  
3 PEREZ's home where several toy/replica and pellet guns which were found in box  
4 labeled "CRASH, Secret, Confidential."
- 5 97. Defendant PARKS was aware of and was deliberately indifferent to a pervasive  
6 and widespread pattern and practice within the LAPD of concealing known  
7 instances of evidence planting, evidence tampering, perjury, falsified police  
8 reports, witness coercion, on-duty criminal acts and on-duty acts of moral  
9 turpitude. This deliberate indifference manifest itself in his order to redact the  
10 portions of the 40 page Russell Poole memorandum on the corruption at Rampart  
11 Division to ensure that the 3 page version that arrived at the District Attorney's  
12 Office was insufficient to prosecute the officers guilty of the crimes delineated in  
13 the original 40 page report.
- 14 98. This pattern and practice was identified and documented by the commission  
15 appointed by said Defendants known as the "Christopher Commission." Said  
16 commission issued a report to the City of Los Angeles describing this pattern and  
17 practice as a "Code of Silence" and identified it as a cause of continued civil rights  
18 violations, and put the said Defendants and their police chief and chiefs on notice  
19 of the existence of such pattern and practice. Said Defendant failed to take any  
20 reasonable measures to correct this pattern and practice and as a result said city  
21 and persons residing within the City have been deliberately indifferent to the civil  
22 rights violations which resulted, including those which are described in the present  
23 claim.
- 24 99. Defendant BERNARD PARKS as the chief of police was duty-bound to  
25 investigate the reports of illegal activity and to report the allegations to the District  
26 Attorney's office for investigation and prosecution of the officers involved in said  
27 misconduct and for investigation as to whether said misconduct was the basis of  
28 the arrest, conviction and sentencing of victims of said misconduct, such as



1 PLAINTIFF.

2 100. Defendant PARKS, as the former commander and deputy chief in charge of the  
3 LAPD's Internal Affairs Group knew and was aware of the pervasive and ongoing  
4 pattern and custom of illegal activities within the LAPD's Rampart Division,  
5 including its CRASH unit, consisting of the falsification of evidence and perjury  
6 which resulted in the wrongful and illegal conviction and sentencing of innocent  
7 persons, and said Defendant knew that by permitting the investigation of the  
8 activities uncovered by Detective Russell Poole, that said criminal activities would  
9 be discovered. Rather than complying with his duty as a peace officer to report and  
10 investigate said criminal activity, Defendant BERNARD PARKS intentionally and  
11 maliciously ordered that the investigation of said misconduct be stopped.

12 101. Based upon this memoranda/report and based upon his previous personal  
13 experience and knowledge as head of the LAPD's Internal Affairs Division,  
14 Defendant PARKS knew that as a result of this reported pattern and practice of  
15 misconduct, there were a number of wrongfully and unlawfully convicted persons,  
16 including PLAINTIFF, serving sentences which were based on false evidence and  
17 testimony of officers of the Rampart Division, including Defendant RAFAEL  
18 PEREZ.

19 102. Notwithstanding this knowledge, Defendant PARKS deliberately and maliciously  
20 ignored, turned a blind eye to and ratified the continuing wrongful and illegal  
21 imprisonment of victims of the misconduct of officers of the LAPD's Rampart  
22 Division. This, in conscious disregard for the violation of PLAINTIFF's rights.

23 103. As a result of said conscious disregard by Defendant PARKS, PLAINTIFF  
24 continued to serve his wrongful sentence in County Jail and continued to suffer the  
25 violation of his constitutional rights, and from the date that Defendant PARKS  
26 learned of the Poole memorandum/report, PLAINTIFF continued to suffer the  
27 wrongful imprisonment.  
28



X.

**SEVENTH COUNT/CAUSE OF ACTION**

**NEGLIGENCE**

**[As to Defendants CITY OF LOS ANGELES and SUPERVISING  
OFFICER DEFENDANTS, Individually and as Employees of  
Defendant City of Los Angeles]**

104. PLAINTIFF repeats, reallege and incorporates each and every allegation above as though fully set forth herein.

105. Plaintiff invokes the supplemental jurisdiction of this Court to hear and determine this claim.

106. On the date of PLAINTIFF's arrest, and thereafter, POLICE OFFICER DEFENDANTS were duty-bound by Penal Code Section 118.1 not to author, accept or otherwise present, or ratify false or misleading police reports and are duty-bound by the Fourteenth Amendment of the U.S. Constitution to ensure Due Process.

107. PLAINTIFF is informed and believes and thereon alleges that on, about or after the date of PLAINTIFF's arrest as indicated in Section III above, and thereafter, Defendants DOES 6 through 10, inclusive, did negligently, and in the absence of due care, approve the police reports of POLICE OFFICER DEFENDANTS and thereby did negligently and carelessly ratify the wrongful and unlawful arrest of PLAINTIFF by said Defendants and thereby also authorized the bringing of charges against PLAINTIFF as well as his prosecution, conviction and imprisonment.

108. SUPERVISING DEFENDANTS were aware of the custom and practice of POLICE OFFICER DEFENDANTS of making arrest without probable cause, the planting and falsification of evidence, the authoring of false and misleading police reports, and the giving of false and perjurious testimony.

109. Notwithstanding this knowledge, and in the absence of due care, SUPERVISING



1 OFFICER DEFENDANTS authorized the false police reports without questioning  
2 POLICE OFFICER DEFENDANTS as to the contents of the report and without  
3 further investigating the veracity of the statements contained therein.

4 SUPERVISING DEFENDANTS knew or should have known that said report was  
5 false and misleading and that the supporting evidence was false, but failed to take  
6 any reasonable measures to reject the reports and to ensure that said reports were  
7 not forwarded to the District Attorney's office for prosecution.

8 110. Defendants CITY OF LOS ANGELES, and SUPERVISING OFFICER  
9 DEFENDANTS are directly liable and responsible for the acts of POLICE  
10 OFFICER DEFENDANTS because SUPERVISING OFFICER DEFENDANTS  
11 failed to adequately supervise, discipline or in any other way control said  
12 Defendants' exercise of their authority as described herein.

13 111. Defendants CITY OF LOS ANGELES and SUPERVISING OFFICER  
14 DEFENDANTS are directly liable and responsible for the acts of POLICE  
15 OFFICER DEFENDANTS because said Defendant city and supervising officers  
16 repeatedly and knowingly and negligently failed to enforce the laws of the State of  
17 California and the regulations of said Defendant City and its police department  
18 regarding the making of arrests in compliance with the Fourth Amendment, the  
19 authoring of police reports which accurately and truthfully represent the facts of an  
20 incident, and the planting of evidence, and the giving of perjurious testimony,  
21 thereby creating within the said police department an atmosphere of lawlessness in  
22 which LAPD officers would make false arrests, plant and manufacture evidence,  
23 author false reports and give perjurious testimony, in the belief that such acts will  
24 be condoned and justified by their supervisors, and said Defendant city and  
25 supervisors therefore were or should have been aware of such unlawful acts and  
26 practices prior to and at the time of the events alleged herein.

27 112. As the actual and proximate result of the acts and omissions of said Defendants as  
28 described herein, PLAINTIFF was made to lose his freedom and liberty for the



1 period stated above in Section III, this in violation of the Fourteenth Amendment's  
2 procedural and substantive due process guarantees. During said incarceration  
3 PLAINTIFF suffered personal and bodily injuries, and during said time he  
4 suffered, and continues to suffer, severe emotional and psychological pain,  
5 suffering, anxiety, depression, anguish, shock, and fear. Further, PLAINTIFF has  
6 been made to hire medical specialists for treatment and therapy for his injuries. As  
7 further proximately resulting from said Defendants' misconduct, PLAINTIFF has  
8 experienced a significant loss of wages and a significant loss of his ability to  
9 obtain and maintain gainful employment.

10 113. Defendants CITY OF LOS ANGELES and SUPERVISING OFFICER  
11 DEFENDANTS inclusive, also were negligent in failing to provide POLICE  
12 OFFICER DEFENDANTS the proper and special training necessary for the duties  
13 they could foreseeably be expected to perform in the course of their employment in  
14 that POLICE OFFICER DEFENDANTS received inadequate training in the  
15 correct and proper police tactics, arrest procedures, Fourth Amendment search and  
16 seizure requirements and report writing. As a direct and proximate result of this  
17 failure to provide adequate training to, the false arrest, charges and imprisonment  
18 of PLAINTIFF occurred, causing said plaintiff the losses and injuries herein  
19 complained of.

20 114. Defendants CITY OF LOS ANGELES and SUPERVISING OFFICER  
21 DEFENDANTS also negligently hired and retained POLICE OFFICER  
22 DEFENDANTS when it was known or should have been known by Defendants  
23 CITY OF LOS ANGELES and SUPERVISING OFFICER DEFENDANTS that  
24 these officers had on prior occasions falsely accused suspects of committing  
25 crimes, planted evidence on said suspects, authored and submitted false reports  
26 regarding said suspects, and/or had participated in the concealment and cover-up  
27 of such police misconduct.

28 115. Further, said Defendants failed to conduct adequate, thorough and meaningful



1 background investigations of POLICE OFFICER DEFENDANTS which would  
2 have disclosed prior acts of misconduct and criminal activity and which would  
3 have revealed that said Defendants were not suitable candidates for service as  
4 police officers.

5 116. During the summer of 1998, Defendant BERNARD PARKS learned and was  
6 informed through a 40-page memorandum from LAPD detective Russell Poole  
7 that there was an ongoing and pervasive pattern and custom of illegal activities  
8 within the LAPD consisting of the falsification of evidence and perjury which  
9 resulted in the wrongful and illegal conviction and sentencing of residents of the  
10 patrol areas of the Rampart Divisions. Said report included photographs of  
11 Defendant RAFAEL PEREZ wearing the clothes of a local street gang and  
12 flashing the hand signals of said street gang. Said report/memorandum also  
13 detailed the outcome of a search of Defendant PEREZ's home where several  
14 toy/replica and pellet guns which were found in box labeled "CRASH, Secret,  
15 Confidential". Defendant BERNARD PARKS negligently and carelessly ordered  
16 that the investigation of said misconduct be stopped. Defendant BERNARD  
17 PARKS as the chief of police was duty-bound to investigate the reports of illegal  
18 activity and to report the allegations to the District Attorney's office for  
19 investigation and prosecution of the officers involved in said misconduct and for  
20 investigation as to whether said misconduct was the basis of the arrest, conviction  
21 and sentencing of victims of said misconduct, such as PLAINTIFF. Instead,  
22 DEFENDANT PARKS ordered the report redacted to 3 pages before turning it  
23 over to the District Attorney's office for prosecution knowing that, based on the  
24 redacted report, the District Attorney would not have sufficient grounds to  
25 prosecute and that, had the 40 page report been turned over, the District Attorney's  
26 Office would have had sufficient information to prosecute.

27 117. As the actual and proximate result of the acts and omissions of said Defendants as  
28 described herein, PLAINTIFF was made to lose his freedom and liberty for the



1 period stated above in Section III, this in violation of the Fourteenth Amendment's  
2 procedural and substantive due process guarantees. During said incarceration  
3 PLAINTIFF suffered personal and bodily injuries, and during said time he  
4 suffered, and continues to suffer, severe emotional and psychological pain,  
5 suffering, anxiety, depression, anguish, shock, and fear. Further, PLAINTIFF has  
6 been made to hire medical specialists for treatment and therapy for his injuries. As  
7 further proximately resulting from said Defendants' misconduct, PLAINTIFF has  
8 experienced a significant loss of wages and a significant loss of his ability to  
9 obtain and maintain gainful employment.

10 118. Defendant CITY OF LOS ANGELES is liable in respondeat superior pursuant to  
11 section 815.2 of the California Government Code for the acts of its employees,  
12 agents and representatives as alleged in this cause of action.

13  
14 **XI.**

15 **PRAYER**

16 **WHEREFORE, PLAINTIFFS CARLOS CORRALES** demands the following  
17 relief, jointly and severally, against the Defendants named in each cause of action as  
18 follows:

- 19 a) Compensatory general and special damages in an amount in accordance  
20 with proof;  
21 b) Exemplary damages, against each of the police officer, supervisory and  
22 policy maker Defendants - as spelled out in each cause of action, in an  
23 amount sufficient to deter and to make an example of those Defendants;

24 ///

25  
26 ///

27  
28 ///

- c) Reasonable attorneys' fees and expenses of litigation as provided for in 42 U.S.C. §1988;
- e) Costs of suit necessarily incurred herein;
- f) Prejudgment interest; and,
- g) Such further relief as the Court deems just or proper.

Dated: February 6, 2003

MORENO, BECERRA, GUERRERO & CASILLAS

By:

  
\_\_\_\_\_  
GREGORY W. MORENO  
FRANK PEREZ  
Attorneys for Plaintiff Carlos Corrales



**DEMAND FOR JURY TRIAL**

**COME NOW PLAINTIFF CARLOS CORRALES**, respectfully demands that  
the present matter be set for a jury trial.

Dated: February 6, 2003

MORENO, BECERRA, GUERRERO & CASILLAS

By:

  
\_\_\_\_\_  
GREGORY W. MORENO  
FRANK PEREZ  
Attorneys for Plaintiff Carlos Corrales

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 Attorneys for Plaintiff CARLOS CORRALES

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

CARLOS CORRALES,

Plaintiff(s)

v.

CITY OF LOS ANGELES,  
 attached)

(See

Defendant(s)

CASE NUMBER

CV

03-0910

AHM

(S/Hx)

SUMMONS

TO: THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiff's attorney  
 GREGORY W. MORENO, ESQ., whose address is:

FRANK J. PEREZ, ESQ.  
 MORENO, BECERRA, GUERRERO & CASILLAS  
 A Professional Law Corporation  
 3500 W. Beverly Blvd.  
 Montebello, CA 90640

an answer to the ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim  
 which is herewith served upon you within 20 days after service of this Summons upon you, exclusive  
 of the day of service. If you fail to do so, judgment by default will be taken against you for the relief  
 demanded in the complaint.

CLERK, U.S. DISTRICT COURT

Date:

FEB 7 2003

By:

A. FEDUNA

Deputy Clerk

(Seal of the Court)

SEAL

SUMMONS



ATTACHMENT TO SUMMONS

CARLOS CORRALES

Plaintiff,

v.

CITY OF LOS ANGELES, JEFFERY ROBB, DAVID VINTON, SCOTT VOELTZ,  
NATHAN BUTCHER, AND DOE DEFENDANTS 1 THROUGH 10, INCLUSIVE.

Defendants.

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(AJWx), **CLOSED**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)  
CIVIL DOCKET FOR CASE #: 2:03-cv-00910-GAF-AJWX**

Carlos Corrales v. Los Angeles City of, et al  
Assigned to: Judge Gary A. Feess  
Referred to: Discovery Andrew J. Wistrich  
Demand: \$0  
Cause: 42:1983 Civil Rights Act

Date Filed: 02/07/2003  
Date Terminated: 03/17/2005  
Jury Demand: Both  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Carlos Corrales**

represented by **Frank Perez**  
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V.

**Defendant**

**City of Los Angeles**

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**Defendant**

**Jeffrey Robb**

**Defendant**

**David Vinton**

represented by **Michael J Irwin**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Scott Voeltz**

represented by **Michael J Irwin**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Nathan Butcher**

represented by **Michael J Irwin**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**DOES**

*1-10 inclusive*

Date Filed	#	Docket Text
02/07/2003	1	COMPLAINT filed Summons(es) 20 days issued referred to Discovery Stephen J. Hillman (twdb) (Entered: 02/11/2003)
02/07/2003	2	CERTIFICATION OF INTERESTED PARTIES filed by plaintiff Carlos Corrales (twdb) (Entered: 02/11/2003)
02/07/2003	4	NOTICE by plaintiff Carlos Corrales of related case(s) CV 99-11629 GAF (AJWx) & other related actions (shb) (Entered: 02/11/2003)
02/10/2003	<a href="#">3</a>	INITIAL ORDER following filing of complaint (See document for further details) by Judge A. H. Matz (ir) (Entered: 02/11/2003)
02/21/2003	<a href="#">5</a>	ORDER RE TRANSFER PURSUANT TO GENERAL ORDER 224 (Related Case) filed. [ Related Case no.: CV 99-11629 GAF (AJWx)] Transfer of case declined for the reasons set forth on order by Judge Gary A. Feess (cc: all counsel). (kc) (Entered: 02/21/2003)
03/19/2003	6	PROOF OF SERVICE executed upon defendant David Vinton Serial #31085; Service by Federal Statute on 3/4/03 via leaving Summons & complaint to Sylvia Bawron, person apparently in charge of office; Due Diligence Declaration Attached; mailed 3/5/03 (ir) (Entered: 03/20/2003)
03/19/2003	6	RETURN OF A COPY OF SUMMONS AND ORIGINAL PROOF OF SERVICE

		executed upon defendant Nathan Butcher Serial #31210; Service by Federal Statute on 3/3/03 at business via leaving Summons & Complaint to Sgt Anderson, person apparently in charge; Due Diligence Declaration Attached; mailed 3/4/03 (ir) (Entered: 03/20/2003)
03/19/2003	6	RETURN OF A COPY OF SUMMONS AND ORIGINAL PROOF OF SERVICE executed upon defendant City of Los Angeles; Service by Federal Statute on 2/26/03 at business via personal service by serving Summons & complaint to Maria Ricco, person authorized to accept service of process (ir) (Entered: 03/20/2003)
03/20/2003	7	ANSWER filed by defendants City of Los Angeles, Nathan L Butcher, David Vinton to complaint [1-1]; jury demand (ir) (Entered: 03/21/2003)
03/20/2003	8	CERTIFICATION AS TO INTERESTED PARTIES filed by defendants City of Los Angeles, Nathan Butcher, David Vinton (ir) (Entered: 03/21/2003)
03/26/2003	<a href="#">9</a>	ORDER Setting Rule 26(f) Scheduling Conference by Judge A. H. Matz Scheduling conf set for 5:00 5/21/03 ; Parties are reminded of their obligations to disclose information to confer on a discovery plan not later than 21 days prior to the scheduling conference & to file a report with the Court entitled "Joint Rule 26(f) Report" not later than 14 days after they confer; Failure to comply with the following requirements or to cooperate in the preparation of the Joint Rule 26(f) Report may lead to the imposition of sanctions (See document for further details) (ir) (Entered: 03/27/2003)
05/21/2003	10	MINUTES: Scheduling conference held ; Court orders the dates as indicated on Scheduling and Case Management Order filed this date and refers this matter to Magistrate Judge Stephen J Hillman for settlement purposes; The parties are to notify Magistrate Judge Hillman immediately of the Court's referral and presumptive schedule; Counsel were personally served with a copy of the Scheduling and Case Management Order filed this date by Judge A. H. Matz; CR: Hope Goldsmith (nhac) (Entered: 05/22/2003)
05/21/2003	11	SCHEDULING AND CASE MANAGEMENT ORDER by Judge A. H. Matz; The Court sets the following dates: Jury trial (estimate 16 days) on 7/13/04 at 8:00 am; Final Pretrial Conference set for 11:00 6/28/04; Lodge pretrial conference order, file memo of contentions of fact and law, exhibit and witness lists 6/21/04; Last day for hand-serving motions in limine 6/7/04; Last day for hearing motions 5/24/04 at 10:00 am; Last day for hand-serving motions 4/26/04; Non-expert discovery cut-off 3/29/04; Expert discovery cut-off 4/29/04; Last day to conduct settlement conference 4/16/04; Last day to amend pleadings or add parties 9/8/03 (nhac) (Entered: 05/22/2003)
05/22/2003	<a href="#">12</a>	MINUTES: In chambers: Case has been referred to Magistrate Judge Hillman for settlement; Plaintiff(s) and defendant(s) shall confer immediately with each other and set a date and time for settlement conference after clearing date with Magistrate Judge's clerk by Discovery Stephen J. Hillman CR: none (lc) (Entered: 05/23/2003)
06/05/2003	<a href="#">13</a>	MINUTES: The above-entitled action has been assigned to Judge Gary Allen Feess as a related case to Carlos Corrales v. Rafael Perez, et al., CV00-12886-GAF, which is related to Javier F. Ovando v. City of Los Angeles, et al., CV99-11629-GAF, commonly referred to as the "Rampart Dividision Cases." by Judge Gary A. Feess CR: N/A (bp) (Entered: 06/09/2003)
06/12/2003	<a href="#">14</a>	ORDER RE TRANSFER PURSUANT TO GENERAL ORDER 224 (Related Case) filed. [ Related Case no.: CV 99-11629 GAF (AJWx)] Case transferred from Judge A. H. Matz to Judge Gary A. Feess for all further proceedings. , Case referred from Discovery Stephen J. Hillman to Discovery Andrew J. Wistrich The case number will now reflect the initials of the transferee Judge [ CV 03-910 GAF (AJWx)] (cc: all counsel) (rn) (Entered: 06/12/2003)
06/16/2003	<a href="#">15</a>	MINUTES (IN CHAMBERS) before Judge Gary A. Feess: On June 5, 2003, this case was



		transferred from Judge Matz to Judge Feess as a case related to C. Corrales v. R.Perez, et al., CV 00-12886 GAF, which is related to J. Ovando v. City of Los Angeles, et al., CV 99-11629 GAF. While this case was before Judge Matz, a Final pretrial conference was scheduled for 06/28/04, and a jury trial was scheduled for 07/13/04. Because this case is now considered to be part of the "Rampart Division Cases," and is therefore subject to this Court's specific filing requirements and deadlines, the pending dates are VACATED. An order requesting proposed scheduling and trial dates will be issued to the parties shortly. The Court notes that Defendants Jeffery Robb and Scott Voeltz have not yet been served. Once the proposed defendants have been served, the parties are instructed to notify the Court so that a 26(f) conference may be set. CR: None Present (jp) (Entered: 06/18/2003)
01/09/2004	<a href="#">16</a>	REQUEST FOR ENTRY OF A PROTECTIVE ORDER. Protective Order regarding The City's Confidential Material by Judge Andrew J. Wistrich (bp, ) (Entered: 01/12/2004)
02/09/2004	<a href="#">17</a>	MINUTES: Plaintiff is Ordered to Show Cause no later than 3/5/2004, why these defendants should not be dismissed. Additionally, the parties are instructed to review the attached schedule of trial and pretrial dates, and submit their proposed schedule of dates to the court, no later than Friday, March 5, 2004. The court would prefer a unanimously agreed-upon schedule, but if the parties are unable to agree upon a schedule, each party is to submit its own proposed schedule. Upon receipt of the parties' proposed dates, the court will set the matter for a rule 26(f) scheduling conference, at which time it will issue a definitive schedule along with its scheduling and case management order. Judge Gary Allen Feess. Court Reporter: None Present. (bp, ) (Entered: 02/11/2004)
03/05/2004	18	JOINT REPORT of Counsel Pursuant to FRCP 26(f) filed; estimated length of trial 1 to 4 weeks. (nhac, ) (Entered: 03/09/2004)
03/05/2004	19	NOTICE of Association of Counsel associating the law firm of Moreno and Perez with the law firm of Moreno, Becerra, Guerrero and Casillas on behalf of Plaintiff Carlos Corrales. Filed by plaintiff Carlos Corrales (nhac, ) (Entered: 03/09/2004)
03/05/2004	20	RESPONSE filed by Plaintiff Carlos Corrales to Court's Order to Show Cause <a href="#">17</a> . (nhac, ) (Entered: 03/09/2004)
03/09/2004	22	ORDER: This court grants plaintiffs request to serve defendant Scott Voeltz and Jeffrey Robb for 45 days by Judge Gary A. Feess,(bp, ) (Entered: 03/16/2004)
03/11/2004	<a href="#">21</a>	SCHEDULING AND CASE MANAGEMENT ORDER by Judge Gary A. Feess. Last day to Amended Pleadings or add parties 10/15/2004. Discovery cut-off 1/3/2005. Motions due by 1/10/2005. Motions in Limine to be filed by 3/7/2005. Proposed Pretrial Order due by 1/31/2005. Last date to conduct settlement conference is 1/17/2005. Jury Trial set for 3/15/2005 08:30 AM before Honorable Gary A. Feess. Pretrial Conference set for 2/14/2005 03:00 PM before Honorable Gary A. Feess.(bp, ) (Entered: 03/15/2004)
04/19/2004	23	NOTICE of unavailability of counsel filed by defendants City of Los Angeles. (bp, ) (Entered: 04/27/2004)
04/30/2004	24	ANSWER to Complaint 1 with Jury Demand filed by Defendant Scott Voeltz.(ir, ) (Entered: 05/03/2004)
04/30/2004	25	CERTIFICATION as to Interested Parties filed by Defendant Scott Voeltz. (ir, ) (Entered: 05/03/2004)
04/30/2004	26	PROOF OF SERVICE Executed upon Scott Voeltz served on 3/31/2004, answer due 4/20/2004. The Summons and Complaint were served by Substituted service, by State statute, upon Scott Voeltz. Due Dilligence declaration not attached. Original Summons not returned. Mailed 3/31/04. (ir, ) (Entered: 05/03/2004)
05/12/2004	27	NOTICE of return of counsel filed by defendants' City of Los Angeles. (bp, ) (Entered: 05/12/2004)

		05/24/2004)
12/20/2004	28	STIPULATION of the parties regarding continuance all dates in this matter for approximately 120 days filed by Defendants City of Los Angeles, David Vinton, Scott Voeltz, Nathan Butcher. Lodged order. (rl, ) (Entered: 12/22/2004)
12/21/2004	<a href="#">29</a>	ORDER by Judge Gary A. Feess granting Stipulation for Extension of Time 28 . The new dates related to the litigation of this matter are as follows: Last day to Amend Pleadings or add parties 1/28/2005. Discovery cut-off 5/2/2005. Motions due by 5/16/2005. Last date to conduct settlement conference is 5/23/2005. Proposed Pretrial Order due by 6/6/2005. Pretrial Conference set for 6/20/2005 03:00 PM.Motions in Limine to be filed by 7/11/2005. Jury Trial set for 7/19/2005 08:30 AM. IT IS SO ORDERED. (mch, ) (Entered: 12/27/2004)
01/24/2005	30	NOTICE of Pending Settlement filed by plaintiff Carlos Corrales. (pj, ) (Entered: 01/27/2005)
03/17/2005	<a href="#">31</a>	STIPULATION AND ORDER that the above-captioned action be and hereby is dismissed with prejudice, against the defendants City of Los Angeles, Nathan Butcher, Jeffrey Robb, Dave Vinton and Scott Voeltz and all of its departments, Commissions, Boards, bureaus, officials, officers, agents and employees, whether named or unnamed, served or unserved, pursuant to Federal Rule 41(a) of the Federal Rules of civil procedure, with each side to bear its own costs by Judge Gary A. Feess :, (Made JS-6. Case Terminated.)(bp, ) (Entered: 03/18/2005)

PACER Service Center			
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06/10/2022 14:32:11			
<b>PACER Login:</b>	fpdcac0087	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:03-cv-00910-GAF-AJWX End date: 6/10/2022
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Attorney for PLAINTIFF  
HELEN MOORE

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

HELEN MOORE

Plaintiff,

vs.

-  
CITY OF LOS ANGELES, DAVID  
VINTON, SCOTT VOELTZ, MARTIN  
PERELLO, JEREMY STANFORD,  
BERNARD PARKS and DOES 1 through  
10, inclusive,

Defendants.

CASE NO.

**COMPLAINT FOR DAMAGES:**

1. **VIOLATION/DEPRIVATION  
OF CIVIL RIGHTS UNDER  
COLOR OF LAW**
2. **CONSPIRACY TO INTERFERE  
WITH CIVIL RIGHTS**
3. **NEGLECT TO PREVENT  
CONSPIRACY TO INTERFERE  
WITH CIVIL RIGHTS**

**DEMAND FOR JURY TRIAL**

COMES NOW the Plaintiff, HELEN MOORE, an individual, and for causes of  
action against Defendants, and each of them, complains and alleges as follows:

///

///

///

ENTERED ON ICMS

JUL - 9 2002

CV

1 ///

2 **JURISDICTION AND VENUE**

3  
4 1. Jurisdiction in this Honorable Court arises pursuant to Federal Statute,  
5 under Title 28 of the United States Code, Sections 1331, 1343, and 1367. Jurisdiction is  
6 further established in this Honorable Court under Title 42, United States Code, Sections  
7 1983, 1985, and 1986.

8  
9 2. Venue is proper in District Court, pursuant to 28 U.S.C. Section 1391, as  
10 the underlying acts, omissions, events, injuries and related facts and circumstances upon  
11 which the present action are based, occurred in the City of Los Angeles, State of  
12 California, within the boundaries of the Central District of this Honorable Court.

13  
14 **GENERAL ALLEGATIONS**

15  
16 3. At all times relevant hereto PLAINTIFF, an individual, is and at all times  
17 mentioned herein was, a resident of the County of Los Angeles, State of California, and is  
18 within the jurisdiction of the United States.

19  
20 4. At all times mentioned herein Defendant CITY OF LOS ANGELES was a  
21 public entity and municipal corporation, duly organized and existing under and by virtue  
22 of the laws of the State of California.

23  
24 5. PLAINTIFF is informed and believes and thereupon alleges, that at all  
25 times relevant herein Defendants DAVID VINTON, SCOTT VOELTZ, MARTIN  
26 PERELLO, JEREMY STANFORD, BERNARD PARKS, and DOES 1 through 10 were  
27 residents of the County of Los Angeles, State of California, and were police officers,  
28 sergeants, captains, lieutenants, commanders and chiefs of police, and/or civilian



1 employee agents, policy makers and representatives of the City of Los Angeles Police  
2 Department, as well as employees, agents and representatives of Defendant CITY OF  
3 LOS ANGELES. At all times relevant hereto said defendants were acting within the  
4 course and scope of their employment as officers, sergeants, captains, lieutenants,  
5 commanders and chiefs of police, and/or civilian employees, policy makers and  
6 representatives of the Los Angeles Police Department, a department and subdivision of  
7 Defendant CITY OF LOS ANGELES, and the wrongful acts hereinafter described flow  
8 from the very exercise of their authority.

9  
10 6. PLAINTIFF is ignorant of the true names and capacities of defendants sued  
11 herein as DOES 1 through 10, inclusive, and therefore sues these defendants by such  
12 fictitious names. PLAINTIFF is informed and believes and thereupon alleges, that each  
13 of the fictitiously named defendants is legally responsible, intentionally, negligently, or in  
14 some other actionable manner, for the events and happenings hereinafter referred to, and  
15 thereby legally caused the injuries, damages, and violations and/or and deprivation of  
16 rights hereinafter alleged. PLAINTIFF will seek leave of Court to amend this Complaint  
17 and state the true names and/or capacities of said fictitiously named defendants when the  
18 same have been ascertained.

19  
20 7. The reason why PLAINTIFF is ignorant of the true names and capacities of  
21 defendants sued herein as DOES 1 through 10, inclusive, is that same have been  
22 unascertainable as of the date of filing of the instant Complaint, as many of these DOES  
23 may be police officers, sergeants, captains, lieutenants, commanders and chiefs of police,  
24 and/or civilian employee agents, policy makers and representatives of the City of Los  
25 Angeles Police Department, or employees, agents and representatives of Defendant CITY  
26 OF LOS ANGELES and others, and as such many of their records are protected by state  
27 statute and can only reasonably be ascertained through the discovery process.



1           8. All defendants who are natural persons, and each of them, including DOES  
2 1 through 10, are sued individually and in their official capacity as officers, sergeants,  
3 captains, lieutenants, commanders, supervisors and/or civilian employees, and agents,  
4 policy makers and representatives for the City of Los Angeles Police Department, a  
5 department and subdivision of Defendant CITY OF LOS ANGELES.

6  
7           9. At all times relevant herein Defendants, DAVID VINTON, SCOTT  
8 VOELTZ, MARTIN PERELLO, JEREMY STANFORD, BERNARD PARKS, and  
9 DOES 1 through 10, inclusive, and each of them, were acting under color of law, to wit,  
10 under the color of the statutes, ordinances, regulations, policies, customs, practices and  
11 usages of defendant CITY OF LOS ANGELES, its police department, and the State of  
12 California.

13  
14           10. PLAINTIFF is informed and believes, and thereupon alleges that at all  
15 times relevant herein, Defendant, BERNARD PARKS, and DOE defendants 8 through  
16 10, inclusive, were supervisors and policy makers for the City of Los Angeles Police  
17 Department, and for its special police unit known as "CRASH" whose stated purpose was  
18 to address gang crimes.

19  
20           12. PLAINTIFF could not have filed the instant lawsuit during the period in  
21 which her criminal case was pending, as the claims asserted herein did not accrue because  
22 a successful prosecution of said claims at that time would have necessarily implied the  
23 invalidity of her sentence. See Heck v. Humphrey, 512 U.S. 477, 114 S.Ct. 2364  
24 (1994), (The Supreme Court held that if a plaintiff brings an action under 42 U.S.C.  
25 sec. 1983, and her successful prosecution of that action would necessarily imply the  
26 invalidity of her criminal conviction or sentence; her cause of action does not even  
27 accrue or come into existence unless and until the criminal conviction has been  
28 vacated or set aside). On August 3, 2001, a writ for petition of habeas corpus was



1 granted in Plaintiff's criminal case, number BA175591 in the furtherance of justice  
2 pursuant to Penal Code §1385. A true and correct copy of the relevant Minute Order is  
3 attached hereto as Exhibit "A."

4  
5 13. Further, PLAINTIFF could not, and did not, reasonably discover the facts,  
6 circumstances, and evidence necessary to pursue the instant claim, until August 3, 2001,  
7 when the Court dismissed plaintiff's case, BA175591. PLAINTIFF further alleges that  
8 Defendants, and each of them, intentionally conspired to conceal, and did conceal, the  
9 true facts surrounding this incident, thereby preventing PLAINTIFF from obtaining the  
10 knowledge and information necessary to submit the instant claim. PLAINTIFF further  
11 alleges that the wrongful conduct of Defendants, and each of them, described herein, was  
12 undertaken with the express intention and expectation that the false representations made  
13 by Defendants in connection with said conduct would be reasonably relied upon by  
14 PLAINTIFF, thereby defrauding PLAINTIFF into reasonably believing that no cause(s)  
15 of action existed. Further, PLAINTIFF did in fact rely upon the representations of  
16 Defendants described above, and as a result reasonably believed that no cause(s) of action  
17 existed with respect to this incident. *See Bell v. City of Milwaukee* (1983) 746 F.2d  
18 1205. (Fraudulent concealment of facts, circumstances and evidence necessary to pursue  
19 a cause of action bars defendant from raising statute of limitations defense).

20  
21 **FIRST CAUSE OF ACTION**  
22 **(VIOLATION OF CIVIL RIGHTS -**  
23 **AGAINST ALL DEFENDANTS -**  
24 **PURSUANT TO 42 U.S.C. SECTION 1983)**

25 14. PLAINTIFF realleges as though fully set forth at length and incorporated  
26 herein all of the allegations and statements contained in paragraphs 1 through 13,  
27 inclusive.

28 15. This cause of action arises under the First, Fourth, Fifth, Eighth, and



1 Fourteenth Amendments to the Constitution of the United States, and under Title 42 of  
2 the United States Code, Section 1983.

3  
4 16. On or about October 6, 1998, PLAINTIFF was wrongfully arrested and  
5 charged with possession of a controlled substance in violation of California Health and  
6 Safety Code, §11350(A).

7  
8 17. In the arrest report, former LAPD officer Scott Voeltz falsely stated that on  
9 the date of the incident, he and officer Martin Perello observed a passenger of a car get  
10 out and engage in what they suspected to be a narcotic transaction on Lake Street near  
11 11<sup>th</sup> Street. They saw PLAINTIFF place something in her mouth and get back in the car,  
12 which drove away. Officers Voeltz and/or Perello then radioed officers David Vinton  
13 and Jeremy Stafford, who conducted a traffic stop on the car. Officer Vinton instructed  
14 PLAINTIFF to get out of the car, told her that officers had just observed her purchase  
15 narcotics and he told her not to swallow them. Officer Vinton claimed PLAINTIFF then  
16 spit out two rocks of cocaine, which he recovered from the sidewalk. A copy of the arrest  
17 report is attached hereto as Exhibit "B."

18  
19 18. At the preliminary hearing, officer Perello falsely testified that officer  
20 Vinton told him PLAINTIFF had spit rocks of narcotics out of her mouth and onto the  
21 ground.

22  
23 19. PLAINTIFF did not spit cocaine out of her mouth when officer Vinton  
24 ordered her out of the car. She did not have cocaine in her mouth, on her person nor in  
25 her possession at the time of her arrest.

26  
27 20. On August 25, 1998, and thereafter in superceding criminal filings, former  
28 officer PEREZ was charged with ten (10) felony counts, involving theft of approximately



1 eight (8) pounds of cocaine from the Property Division of the LAPD and the possession  
2 for sale of the stolen cocaine. As part of settlement negotiations on these charges,  
3 PEREZ stated that in October of 1996 he and his partner had overreacted and shot an  
4 unarmed man subsequently planted a gun on the shooting victim. The revelation of the  
5 facts surrounding this other incident, sparked a more extensive investigation, initiated by  
6 the District Attorney's Office, into possible corruption by Defendants with respect to  
7 other cases, including the instant matter.

8  
9 21. The wrongful conduct alleged herein is just one typical example of  
10 implementation of a larger policy, pattern and practice of the Defendant CITY OF LOS  
11 ANGELES and the Los Angeles Police Department to, under color of law, deprive a  
12 certain segment of the populace, namely young urban Latino families in Los Angeles, of  
13 their inalienable rights by committing, condoning, ratifying, approving, and otherwise  
14 tacitly approving by condoning, overlooking and failing to prevent by arrest or  
15 appropriately discipline: acts of racial profiling, acts of excessive force, violence upon  
16 persons, assaults and batteries, intimidation, illegal searches and seizures, falsification of  
17 evidence, calculated fabrication and distortion of the evidence, breach of duty imposed by  
18 Government Code, Section 815.6 resulting from, inter alia, the filing of false police  
19 reports in violation of Penal Code Section 118.1, the commission of perjury, malicious  
20 prosecution, failure to properly hire, train, supervise, discipline officers, negligent  
21 retention of said officers, and maintenance of a "code of silence," whereby no other  
22 police officer, supervisor or policy maker would disclose or intervene to prevent, and/or  
23 would actively cover up the aforementioned misconduct.

24  
25 22. This policy, pattern, and practice of the Los Angeles Police Department has  
26 been employed for numerous years prior and subsequent to the incident involving  
27 PLAINTIFF, described herein, as evidenced by: incidents set forth in the reports by the  
28 Christopher Commission, the United States Commission on Civil Rights, and Inspector



1 General Katherine Mader; the Javier Ovando matter; the Eulia Love matter; the 39<sup>th</sup> and  
2 Dalton incident; the Rodney King incident; the Victor Ramos incident; the case of  
3 *Orleatha Thomas vs. the City of Los Angeles, et al.*; and the case of *Melita Wynn vs. the*  
4 *City of Los Angeles, et al.*; the lack of adequate measures to test the emotional and  
5 psychological fitness of candidates for employment with the LAPD; the creation,  
6 composition, policies, policing, conduct and acts of the CRASH Unit, which was  
7 designed as a paramilitary organization to be operated with little oversight and with less  
8 accountability to the courts than others in the LAPD because of a relaxation of traditional  
9 safeguards designed to protect individual and rights and liberties; the maintenance of files  
10 regarding young urban Latinos that included exculpatory material not furnished to  
11 prosecutors; the actions of Defendants, BERNARD PARKS, and DOES 8 through 10 in  
12 support of and participation in the proceedings to implement an injunction - which as a  
13 result of the investigation by the Office of the District Attorney, was suspended by  
14 Superior Court Judge James Basque on September 21, 1999 - against a defined group of  
15 Latino men and women living predominantly in and around the west central/Pico-Union  
16 area of Los Angeles by falsely alleging that said individuals had participated in an  
17 organized and deliberate course of criminal conduct. These prior and subsequent  
18 instances establish a conclusive policy, pattern, and practice of conscious, deliberate, and  
19 willful disregard for the rights of persons, specifically racial minorities including young  
20 urban Latino families, who come into contact with employees of the Los Angeles Police  
21 Department.

22  
23 23. PLAINTIFF is informed and believes and thereon alleges, that Defendants,  
24 and each of them, have deprived PLAINTIFF of liberty by distortion, perjury, and  
25 corruption of the process of law, which, in turn, violated and/or deprived her of rights and  
26 privileges guaranteed to her under the Constitution and laws of the United States, as more  
27 fully described hereinafter.



1           24. PLAINTIFF is informed and believes and thereupon alleges, that the  
2 wrongful acts of employee Defendants, when viewed in the context of the enterprise of  
3 law enforcement, are broadly incidental to that enterprise, and are not so unusual or  
4 startling that it would seem unfair to include any losses suffered as a result of said acts  
5 among other costs of employer/municipality Defendants' business.

6  
7           25. PLAINTIFF was prosecuted pursuant to a policy, pattern, and practice of  
8 bringing false charges and falsifying evidence against Black and Latino persons. In  
9 carrying out this unlawful and malicious plan, PLAINTIFF is informed and believes and  
10 thereupon alleges, that said Defendants, and each of them, secured the cooperation and  
11 assistance of other officers, sergeants, captains, supervisors and civilian employees from  
12 the LAPD's Rampart Station and from the CRASH Unit.

13  
14           26. At all times relevant hereto, PLAINTIFF possessed rights guaranteed to her  
15 under the First, Fourth, Fifth, Eighth, and Fourteenth Amendments of the United States  
16 Constitution, as well as the related rights to be free from unwarranted State interference  
17 with same.

18  
19           27. As a direct and legal result of the aforementioned misconduct, and the  
20 policies, patterns, and practices of defendants, and each of them, said constitutional rights  
21 of PLAINTIFF were violated and/or deprived.

22  
23           28. Defendants, and each of them subjected PLAINTIFF to the aforementioned  
24 violations and/or deprivations by either actual malice, deliberate indifference, or a  
25 reckless disregard for her rights under the United States Constitution.

26  
27           29. Defendants, and each of them, acted at all times herein knowing that the  
28 established customs, policies, patterns, and practices of the defendant CITY OF LOS



1 ANGELES POLICE DEPARTMENT would allow a cover-up, and allow the continued  
2 violation of the First, Fourth, Fifth, Eighth, and Fourteenth Amendments of the  
3 Constitution of the United States.

4  
5 30. The supervisory officers named herein as Defendants, including DOES 8  
6 through 10, who are, and all relevant times were responsible for the supervision of  
7 Defendant police officers, the Rampart Division, and the CRASH Unit, were reckless and  
8 deliberately indifferent to the rights of PLAINTIFF, in violation of an absolute duty to  
9 instruct subordinates and to prevent constitutional harm.

10  
11 31. PLAINTIFF is informed and believes and thereon alleges, that the  
12 supervisors named herein as Defendants, including DOES 8 through 10, knew, or should  
13 have known, of the actual problems and illegal activities and conduct of the Rampart  
14 Division and the CRASH Unit and failed to correct such problems and illegal activities.

15  
16 32. PLAINTIFF is informed and believes and thereon alleges, that the  
17 supervisors named herein, as Defendants, including DOES 8 through 10, and Defendant  
18 CITY OF LOS ANGELES had actual knowledge of the violent propensities of the  
19 Rampart Division, the CRASH Unit, and of the individual officers named herein, and of the  
20 unconstitutional violations and conditions within the Rampart Division and the CRASH  
21 Unit, and said Defendants failed to properly supervise the Rampart Division, the CRASH  
22 Unit and the individual officers named herein.

23  
24 33. By the actions set forth herein, defendants have deprived PLAINTIFF of  
25 her rights secured by the First, Fourth, Fifth, Eighth, and Fourteenth Amendments to the  
26 United States Constitution, in violation of 42 U.S. C. Section 1983.

27  
28 34. The aforementioned acts of the individual Defendants, and each of them



1 was willful, wanton, malicious and oppressive and thereby justifies the awarding of  
2 exemplary and punitive damages. Further, PLAINTIFF is entitled to, and does seek,  
3 attorneys fees pursuant to 42 U.S.C. Section 1988.

4  
5 **SECOND CAUSE OF ACTION**  
6 **(CONSPIRACY TO VIOLATE CIVIL RIGHTS -**  
7 **AS AGAINST ALL DEFENDANTS -**  
8 **PURSUANT TO 42 U.S.C. SECTION 1985)**

9 35. PLAINTIFF realleges as though fully set forth at length and incorporated  
10 herein all of the allegations and statements contained in paragraphs 1 through 13,  
11 inclusive, and paragraphs 15 through 34, inclusive.

12 36. This cause of action arises under the First, Fourth, Fifth, Eighth, and  
13 Fourteenth Amendments to the Constitution of the United States, and under Title 42 of  
14 the United States Code, Section 1985.

15  
16 37. PLAINTIFF is a member of the specific class of young urban Black and  
17 Latinos hereinabove described.

18  
19 38. PLAINTIFF is informed and believes and thereon alleges, that defendants  
20 and each of them, conspired to purposely violate and/or deprive, directly or indirectly,  
21 PLAINTIFF of equal protection of the Constitution and laws of the United States and  
22 California, and/or the privileges and immunities guaranteed her under the Constitution  
23 and laws of the United States and California, in violation of 42 U.S.C. Section 1985(3),  
24 through the acts and omissions described and set forth in detail above.

25  
26 39. PLAINTIFF is informed and believes, and thereupon alleges that the above  
27 described conspiracy was undertaken by Defendants, and each of them, with class-based  
28 invidiously discriminatory animus against the above described class of young urban Black



1 and Latinos, to which PLAINTIFF is a member.

2  
3 40. PLAINTIFF is informed and believes and thereon alleges, that Defendants  
4 and each of them acted in furtherance of the object of the conspiracy, based on  
5 discriminatory racial and political animus, whereby PLAINTIFF has been denied equal  
6 protection of the Constitution and laws of the United States and California, and/or the  
7 privileges and immunities guaranteed her under the Constitution and laws of the United  
8 States and California, in violation of 42 U.S.C. Section 1985(3), through hereinabove  
9 described the acts and omissions. PLAINTIFF alleges on information and belief, that  
10 other persons, who are not members of the above described class of young urban Black  
11 and Latinos, are not subjected to the policy, pattern and practice of wrongful behavior  
12 described in detail above.

13  
14 41. PLAINTIFF is informed and believes and thereon alleges, that defendants  
15 and each of them engaged in conduct that was independently illegal under state and  
16 federal law and that defendants and each of them engaged in intentional, malicious and  
17 bad faith violation of the constitutional rights of PLAINTIFF.

18  
19 42. The acts of Defendants, and each of them, were intentional and such acts  
20 were pursued for discriminatory purposes with the design and intent to violate, and with  
21 deliberate indifference to the constitutional rights of PLAINTIFF.

22  
23 43. By the actions set forth herein, defendants, and each of them, have deprived  
24 PLAINTIFF of her rights secured by the First, Fourth, Fifth, Eighth, and Fourteenth  
25 Amendments to the United States Constitution, in violation of 42 U.S. C. Section 1983  
26 and 1985.

27  
28 44. The aforementioned acts of the individual Defendants, and each of them



1 was willful, wanton, malicious and oppressive and thereby justifies the awarding of  
2 exemplary and punitive damages. Further, PLAINTIFF is entitled to, and does seek,  
3 attorneys fees pursuant to 42 U.S.C. Section 1988.

4  
5 **THIRD CAUSE OF ACTION**  
6 **(NEGLECT TO PREVENT CONSPIRACY TO VIOLATE CIVIL RIGHTS -**  
7 **AS AGAINST ALL DEFENDANTS -**  
8 **PURSUANT TO 42 U.S.C. SECTIONS 1985 AND 1986)**

9 45. PLAINTIFF realleges as though fully set forth at length and incorporated  
10 herein all of the allegations and statements contained in paragraphs 1 through 13, inclusive,  
11 and paragraphs 15 through 34, inclusive and paragraphs 36 through 44, inclusive.

12 46. This cause of action arises under the First, Fourth, Fifth, Eighth, and Fourteenth  
13 Amendments to the Constitution of the United States, and under Title 42 of the United States  
14 Code, Sections 1985 and 1986.

15  
16 47. PLAINTIFF is informed and believes and thereupon alleges, that Defendants  
17 BERNARD PARKS, and DOES 8 through 10, and each of them, had knowledge that some  
18 or all of the wrongs conspired to be done, which are described in detail above, were about  
19 to be committed.

20  
21 48. PLAINTIFF is informed and believes and thereupon alleges, that Defendants  
22 BERNARD PARKS, and DOES 8 through 10, and each of them, had the power to prevent  
23 or aid in the prevention of commission of said wrongful acts.

24  
25 49. PLAINTIFF is informed and believes and thereupon alleges, that Defendants  
26 BERNARD PARKS, and DOES 8 through 10, and each of them, by reasonable diligence  
27 could have prevented the aforementioned wrongs conspired to be done.

1           50. PLAINTIFF is informed and believes and thereupon alleges, that Defendants  
2 BERNARD PARKS, and DOES 8 through 10, and each of them, neglected and/or refused  
3 to prevent, or aid in the prevention of commission of said wrongs conspired to be done.  
4

5           WHEREFORE, Plaintiff, HELEN MOORE, an individual, prays for judgment  
6 against defendants, and each of them, and demands relief against defendants, and each of  
7 them, as follows:  
8

- 9           1. For general damages according to proof;
- 10          2. For compensatory damages according to proof;
- 11          3. Exemplary damages, as against each police officer, supervisor, and policy  
12             maker defendant in an amount sufficient to deter and to make an example of  
13             those defendants;
- 14          4. For consequential damages according to proof;
- 15          5. For incidental damages according to proof;
- 16          6. For prejudgement interest according to proof;
- 17          7. For costs of suit, including reasonable attorney's fees and expenses of  
18             litigation as provided by Federal and State laws, including but not limited to  
19             42 U.S.C. Section 1988.  
20

21 ///

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28 ///




1 8. For such further relief as this Honorable Court deems just and proper.

2  
3 **DEMAND FOR JURY TRIAL**

4  
5 Plaintiff, HELEN MOORE, an individual, hereby formally demands a trial by  
6 jury.

7 DATED: July 2, 2002

LAW OFFICES OF GREGORY A. YATES

9  
10   
11 GREGORY A. YATES  
12 Attorney for Plaintiff,  
13 HELEN MOORE  
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DATE PRINTED 08/08/01

*Hele Moore*

ON 08/01/01 AT 900 AM :  
NEXT SCHEDULED EVENT:

08/03/01 1100 AM HABEAS CORPUS PETITION DIST L.A. SUPERIOR - CENTRAL DEPT  
106

ON 08/03/01 AT 1100 AM IN L.A. SUPERIOR - CENTRAL DEPT 106

CASE CALLED FOR HABEAS CORPUS PETITION

PARTIES: LARRY P. FIDLER (JUDGE) WENDY WARREN (CLERK)

NONE (REP) TUPPENCE MACINTYRE (DA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY GERALD WILLIAMS ALTERNATE  
PUBLIC DEFENDER

COUNT (03) : DISPOSITION: DISMISSAL IN FURTH OF JUSTICE PER 1385 PC  
COURT ORDERS AND FINDINGS:

FOR ADDITIONAL INFORMATION PRESS PA1 KEY

\* MCAS \*

*Exh "A" 16*



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LONDON TANSY RENIEL  
 2209 9TH ST  
 LOS ANGELES STATE CA  
 F B BLK BRD 507 140 042572 26  
 MONIKER  
 M AND H  
 PASADENA CA  
 US 57  
 4202 - F5 100698 0130 0449  
 9TH ST 10000  
 ALVARADO ST 10000  
 F 11350(A)HS POSS COCAINE

ESTUPO, ST 10

ADMONITION OF RIGHTS WHEN APPLICABLE  
 "YES" "YES" "YES"  
 THE FOLLOWING STATEMENT WAS READ TO THE ARRESTEE  
 YOU HAVE THE RIGHT TO REMAIN SILENT IF YOU DO IN THE COURT TO REMAIN  
 SILENT ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT  
 OF LAW YOU HAVE THE RIGHT TO SPEAK WITH AN ATTORNEY AND TO HAVE THE  
 ATTORNEY PRESENT DURING QUESTIONING IF YOU CANNOT AFFORD AN ATTORNEY  
 ONE AN ATTORNEY WILL BE APPOINTED FOR YOU WITHOUT CHARGE BEFORE  
 QUESTIONING  
 THIS ADMONITION WAS READ TO THE ARRESTEE BY  
 PERELLO 3723

CHARGE NO. 1549051158  
 0256 NONE

UNEMPLOYED  
 LABORER  
 11 PT NECK 'KEITH'  
 JACKET WHT SHIRT WHT SHORT  
 04, MAZDA, 626, WHT, 4DR, 200632

INVOLVED PERSONS  
 NAME DATE TIME DATE TIME ADDRESS  
 04, MAZDA, 626, WHT, 4DR, 200632  
 N/B ALVARADO ST AT 9TH ST

COMBINED  
 TIME REPORT  
 04, MAZDA, 626, WHT, 4DR, 200632  
 N/B ALVARADO ST AT 9TH ST

COMBINED  
 TIME REPORT  
 04, MAZDA, 626, WHT, 4DR, 200632  
 N/B ALVARADO ST AT 9TH ST

COMBINED  
 TIME REPORT  
 04, MAZDA, 626, WHT, 4DR, 200632  
 N/B ALVARADO ST AT 9TH ST

APPROVAL /  
 REPORTING  
 OFFICERS  
 VENILE DISPC. Petition Request: ☐ DETAINED ☐ RELEASED ☐ NON-BOOK ☐ NON-BOOK & WARR.  
 CHARGE # DIFFERENT THAN ORIGINAL (IN CHRG & DESCRIPTION)  
 IF REQUESTED, AGENT & PERSON ACCEPTING REFERRAL  
 PROPERTY BOOKED Y N SUPERVISOR APPROVING  
 IF YES, US COMPLETED Y N JUV CORP. REVIEWING  
 DATE TIME DISPC. PROVIDED DIV. CLERK

ACTION SHEET  
 10 EXONERATION 11 CIVIL 12 JUV TRAP MISC 13 FIRE DEPT 14 MENTAL HEALTH  
 15 COMMUNITY SERVICE 16 LAW OFF AGENCY 17 COURT MENTAL HEALTH

ARREST REPORT "Only one facsheet sent"

Exh "B" 17



TYPE OF REPORT

Ar EST

MODEL NO.

MISC DESCRIPTION (EG. COLOR, SIZE,  
INSCRIPTIONS, CALIBER, REVOLVER, ETC)DOLLAR  
VALUE

DEFT#1 ESTRADA, SERGIO  
DEFT#2 ALVARADO, WALTER  
DEFT#3 JOHNSON, TANSY  
SUBJ#1 ESPINOZA, MARIA

DOB—8/4/76  
DOB—12/22/73  
DOB—4/25/72  
DOB—10/27/80

BK#5819064  
BK#5819099  
BK#5819103  
BK#5819080

SOURCE OF ACITIVITY:

ON 10/5/1998 MY PARTNER, PERELLO 31923, AND I, VOELTZ 33292, WERE ASSIGNED 2FB46, RAMP PATROL IN MKD BLK AND WHT. WE WERE CONDUCTING EXTRA PATROL ON FOOT IN THE AREA OF 11<sup>TH</sup> ST AND LAKE ST, WHICH IS NOTORIOUS FOR NARCOTICS SALES.

OBSERVATIONS:

WHILE WALKING N/B ON THE EAST SIDE OF LAKE ST FROM APPROX 30 FT AWAY WE OBS'D A WHT 4DR MAZDA 626 DRIVE S/B LAKE ST FOR APPROX 30 FT, CONDUCT A U-TURN, THEN PARK ON THE EAST CURB OF LAKE ST FACING N/B. THE PASSENGER OF THE VEH, LATER ID AS DEFT#3, EXITED THE VEH AND APPROACHED A FEMALE HISP, LATER ID AS SUBJ#1, STANDING ON THE EAST SIDEWALK OF LAKE ST. SUBJ#1 AND DEFT#3 BECAME ENGAGED IN A SHORT CONVERSATION. DEFT#3 REACHED INTO HER RT FRONT POCKET AND REMOVED AN UNK AMT OF WHAT APPEARED TO BE US CURRENCY. SUBJ#1 RECEIVED THE CURRENCY WITH HER RT HAND AND SUBJ#1 THEN POINTED TOWARD THE WEST SIDE OF LAKE ST. DEFT#3 WALKED W/B ACROSS LAKE ST AND STOOD ON THE WEST SIDEWALK OF LAKE ST. SUBJ#1 APPROACHED (2) MALE HISPS, LATER ID AS DEFT#1 AND DEFT#2, WHO WERE STANDING ON THE EAST SIDEWALK JUST NORTH OF 1110 S LAKE ST. SUBJ#1 HANDED THE CURRENCY TO DEFT#3. DEFT#2 RECEIVED THE CURRENCY WITH HIS RT HAND AND PLACED THE CURRENCY INTO HIS RT REAR POCKET. DEFT#1, WHO APPEARED TO BE HOLDING A SMALL WHT NAPKIN IN HIS LT HAND, REMOVED (2) OFF-WHT ROCK-LIKE OBJECTS RESEMBLING ROCK COCAINE WITH HIS RT HAND FROM THE NAPKIN. DEFT#1 HANDED THE OFF-WHT OBJECTS RESEMBLING ROCK COCAINE TO SUBJ#1. SUBJ#1 RECEIVED THE (2) OFF-WHT OBJECTS WITH HER RT HAND AND CLOSED HER RT FIST. SUBJ#1 THEN WALKED W/B ACROSS LAKE ST TO WHERE DEFT#3 WAS STANDING. SUBJ#1 OPENED HER RT HAND, PALM FACING UP. DEFT#3 REMOVED BOTH OFF-WHT OBJECTS RESEMBLING ROCK COCAINE FROM SUBJ#1'S RT HAND USING HER RT HAND. DEFT#3 PLACED BOTH OBJECTS INTO HER MOUTH. DEFT#3 THEN WALKED E/B ACROSS LAKE ST AGAIN AND RE-ENTERED THE PASSENGER SIDE OF THE ABOVE VEHICLE. THE VEH THEN DROVE N/B LAKE TO E/B 11<sup>TH</sup> ST. BASED ON THE ABOVE OBSERVATIONS, OUR TRAINING, EXPERTISE AND EXPERIENCE WE FORMED THE OPINION THAT A NARCOTICS TRANSACTION HAD JUST TAKEN PLACE.

AS THE VEH DEFT#3 WAS PASSENGER IN TURNED THE CORNER AT 11<sup>TH</sup> ST/ LAKE ST WE OBS'D A BLK/WHT POLICE VEH (OFCS VINTON 31071 AND STANFORD 34528) DRIVING W/B 11<sup>TH</sup> ST. WE CONTACTED OFCS VINTON AND STANFORD AND INFORMED THEM OF



CONDUCTED A TRAFFIC STOP ON THE ABOVE VEH AT 9<sup>TH</sup> ST/ ALVARADO ST PENDING NARCOTICS INVESTIGATION. OFCRS VINTON AND STANFORD APPROACHED THE VEH AND INSTRUCTED DEFT#3 TO EXIT THE VEH. OFCR VINTON INFORMED DEFT#3 THAT OFCRS HAD JUST OBS'D HER PURCHASE NARCOTICS AND THAT SHE HAD BETTER NOT SWALLOW THE NARCOTICS OR HE WOULD GET HER STOMACH PUMPED. DEFT#3 THEN SPIT (2) OFF-WHT ROCK-LIKE OBJECTS RESEMBLING ROCK COCAINE ONTO THE GROUND IN FRONT OF HER. OFCR VINTON HANDCUFFED DEFT#3, THEN RECOVERED THE (2) OFF-WHT ROCK-LIKE OBJECTS RESEMBLING ROCK COCAINE FROM THE SIDEWALK WHERE HE OBS'D DEFT#3 SPIT THEM. OFCR VINTON THEN CONTACTED US VIA RADIO AND INFORMED US THAT HE HAD RECOVERED THE NARCOTICS FROM DEFT#3.

MY PARTNER AND I EXITED OUR POSITION AND BEGAN WALKING NB ON THE EAST SIDEWALK OF LAKE ST TOWARD DEFT#1-DEFT#2. SUBJ#1 OBS'D US APPROACHING AND YELLED, "POLICE!" SUBJ#1 RAN NB ON THE EAST SIDEWALK OF LAKE ST TOWARD 11<sup>TH</sup> ST. DEFT#1 DROPPED THE WHT NAPKIN FROM HIS LT HAND. DEFT#1 OPENED THE FRONT GATE TO 1110 S LAKE ST AND ENTERED WITH DEFT#1 RUNNING CLOSE BEHIND HIM. MY PARTNER AND I RAN INSIDE THE FRONT GATE OF 1110 S LAKE ST AFTER DEFT#1 AND DEFT#2. MY PARTNER DETAINED DEFT#1 JUST INSIDE THE DOORWAY. I CONTINUED AFTER DEFT#2. DEFT#2 CONTINUED RUNNING UP THE STAIRS INSIDE THE DOORWAY OF 1110 S LAKE ST. AFTER RUNNING UP APPROX 1/3 OF THE STAIRS INSIDE THE ENTRYWAY, DEFT#2 SLIPPED AND FELL ONTO THE STAIRS. I THEN CALLED UP TO DEFT#2 AND HANDCUFFED DEFT#2 WITHOUT FURTHER INCIDENT. WE EXITED 1110 S LAKE ST. MY PARTNER OBS'D SUBJ#1 STANDING ON THE NW CORNER OF 11<sup>TH</sup> ST AND LAKE ST. MY PARTNER INSTRUCTED SUBJ#1 TO WALK TOWARD US. SUBJ#1 COMPLIED AND WAS TAKEN INTO CUSTODY WITHOUT INCIDENT. MY PARTNER RECOVERED THE WHT NAPKIN DEFT#1 HAD BEEN HOLDING AND OBS'D (9) OFF-WHT WAFERS RESEMBLING COCAINE BASE INSIDE THE NAPKIN.

#### ARREST:

DEFT#1, DEFT#2 AND SUBJ#1 WERE PLACED UNDER ARREST FOR 11352HS—SALES OF COCAINE. DEFT#3 WAS PLACED UNDER ARREST FOR 11350HS—POSS OF COCAINE.

#### BOOKING:

DEFT#1 AND DEFT#2 WERE BOOKED AT PAB/JAIL DIV FOR 11352HS—SALES OF COCAINE. DEFT#3 WAS BOOKED AT 77<sup>TH</sup> ST JAIL DIV FOR 11350HS—POSS OF COCAINE. SUBJ#1 WAS BOOKED FOR 11352HS AND RELEASED TO HER MOTHER (LOPEZ, YOLANDA).

#### EVIDENCE:

MY PARTNER RECOVERED APPROX (9) OFF-WHT WAFER RESEMBLING COCAINE BASE INSIDE A WHT NAPKIN FROM THE SIDEWALK IN FRONT OF 1110 S LAKE ST (ITEM#1). OFCR VINTON RECOVERED (2) OFF-WHT ROCK-LIKE OBJECTS RESEMBLING ROCK COCAINE FROM THE SIDEWALK IN FRONT OF DEFT#3 WHERE HE OBS'D DEFT#3 SPIT THE

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(AJWx), **CLOSED**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)  
CIVIL DOCKET FOR CASE #: 2:02-cv-05355-GAF-AJWX**

Helen Moore v. Los Angeles City of, et al  
Assigned to: Judge Gary A. Feess  
Referred to: Discovery Andrew J. Wistrich  
Demand: \$0  
Cause: 42:1983 Civil Rights Act

Date Filed: 07/05/2002  
Date Terminated: 03/04/2004  
Jury Demand: Both  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Helen Moore, -**

represented by **Gregory A Yates**  
Gregory A Yates Law Offices  
16830 Ventura Blvd Suite 250  
Encino, CA 91436  
310-858-6944  
Fax: 818-905-7038  
Email: gregyates@gregoryayates.net  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**City of Los Angeles**

represented by **Karen D Brown-Carr**  
Los Angeles City Attorney's Office  
Police Discovery Div  
200 N Main St, 1700 City Hall E  
Los Angeles, CA 90012-4129  
213-847-5690  
*TERMINATED: 10/28/2002*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Shaun Dabby Jacobs**  
Los Angeles City Attorney's Office  
City Hall E  
200 N Main St, 7th Fl  
Los Angeles, CA 90012-4130  
213-978-8235  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**David Vinton**

represented by **Karen D Brown-Carr**  
(See above for address)  
*TERMINATED: 10/28/2002*



LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Shaun Dabby Jacobs**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Defendant**

**Scott Voeltz**

**Defendant**

**Martin Perello**

represented by **Karen D Brown-Carr**  
(See above for address)  
TERMINATED: 10/28/2002  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Shaun Dabby Jacobs**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Defendant**

**Jeremy Stanford**

**Defendant**

**Bernard Parks**

represented by **Karen D Brown-Carr**  
(See above for address)  
TERMINATED: 10/28/2002  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Shaun Dabby Jacobs**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Defendant**

**Does**

*1 through 10, inclusive*

Date Filed	#	Docket Text
07/05/2002	1	COMPLAINT filed Summons(es) Issued referred to Discovery Carla M. Woehrle; Jury Demand (pc) (Entered: 07/09/2002)
07/05/2002	2	NOTICE OF INTERESTED PARTIES filed by plaintiff Helen Moore - (pc) (Entered: 07/09/2002)
07/05/2002	3	NOTICE by plaintiff Helen Moore - of related case(s) CV 99-11629 GAF (AJWx) & Other related groups. (kc) (Entered: 07/17/2002)
07/25/2002	4	RETURN OF SUMMONS AND PROOF OF SERVICE executed upon defendant Los

		Angeles City of; Service by State Statute on 7/19/02 via personal delivery by serving S/C to Maria Rico, person auth to accept service of process (el) (Entered: 07/26/2002)
07/29/2002	<a href="#">5</a>	ORDER RE TRANSFER PURSUANT TO GENERAL ORDER 224 (Related Case) filed. [ Related Case no.: CV 99-11629 GAF (AJWx)] Case transferred from Judge Consuelo B. Marshall to Judge Gary A. Feess for all further proceedings. , Case referred from Discovery Carla M. Woehrle to Discovery Andrew J. Wistrich The case number will now reflect the initials of the transferee Judge [ CV 02-5355 GAF (AJWx)] (cc: all counsel) (rn) (Entered: 07/29/2002)
07/30/2002	7	RETURN OF SUMMONS AND PROOF OF SERVICE executed upon defendant Bernard Parks; Service by CCCP on 7/19/02 served S/C to Nicole Wall, person authorized to receive service of process. (bp) (Entered: 08/05/2002)
07/30/2002	8	NON SERVICE report re: defendant Jeremy Stanford; declaration of diligence. (bp) (Entered: 08/05/2002)
07/31/2002	<a href="#">6</a>	MINUTES: The above-entitled action has been assigned to Judge Gary Allen Feess as a related case to Javier F. Ovando v. City of Los Angeles CV99-11629-GAF, commonly referred to as the "Rampart Division Cases." by Judge Gary A. Feess CR: N/A (bp) (Entered: 08/01/2002)
08/06/2002	9	CERTIFICATION OF INTERESTED PARTIES filed by dfts Los Angeles City of, Bernard Parks, Martin Perello (el) (Entered: 08/07/2002)
08/06/2002	10	ANSWER filed by dfts Los Angeles City of, Bernard Parks, Martin Perello to complaint [1-1]; jury demand (el) (Entered: 08/07/2002)
09/03/2002	11	ANSWER filed by defendant David Vinton to complaint [1-1]; jury demand (bp) (Entered: 09/04/2002)
09/03/2002	12	CERTIFICATION OF INTERESTED PARTIES filed by defendants' Los Angeles City, David Vinton, Martin Perello, and Bernard Parks (bp) (Entered: 09/04/2002)
09/13/2002	13	NOTICE OF CHANGE Of Address filed by atty Karen D Carr for defendant Bernard Parks. Address change as follows: 200 North Main Street City Hall East, 8th Floor Los Angeles, CA 90012 (bp) (Entered: 09/16/2002)
10/28/2002	14	NOTICE of intra-office change of attorney by defendants' Los Angeles City of, David Vinton, Martin Perello, and Bernard Parks. The attorney assigned to handle this matter is Jeffrey W. Korn, in place and instead of Karen W. Carr. (bp) (Entered: 10/28/2002)
10/29/2002	<a href="#">15</a>	MINUTES: The stay on the filing of motions previously ordered by this court is partially lifted in this case. In compliance with Local Rule 7-3, defense counsel are ordered to provide plaintiffs with copies of any previous orders issued by this court in other Rampart cases which counsl believe address the issues they intend to move on. Because the stay may have prevented defendants from answering and filing motions under Rule 12 within the time prescribed by that rule, all defendants who have not rpreviously done so, shall anaswer or otherwise respond to the compaint no later than 12/2/02 by Judge Gary A. Feess CR: N/P (bg) (Entered: 10/30/2002)
02/21/2003	<a href="#">16</a>	MINUTES: The parties are ordered to inform the court if any of the parties are erroneously grouped. Plaintiff is required, within 30 days, to show why the court should not dismiss the unserved defendants. Defendants are required, within 30 days, to show why the court should not find the served, unresponsive defendant in default by Judge Gary A. Feess CR: N/A (bp) (Entered: 02/25/2003)
03/26/2003	17	RETURN OF SUMMONS AND PROOF OF SERVICE executed upon defendant Martin Perello; Service by California Code of Civil Procedure on 7/23/02 by serving summons



		and complaint to Cindy Wapp, person in charge; declaration of diligence; by mail 7/24/02. (bp) (Entered: 03/27/2003)
03/26/2003	18	RESPONSE by plaintiff Helen Moore to court's February 21, 2003 order concerning the current status of this action [16-1] (bp) (Entered: 03/27/2003)
04/01/2003	<a href="#">19</a>	MINUTES: The parties are instructed to review this schedule and submit to the court their proposed schedule of dates. All parties are to respond by providing the court with either a joint or individual list of dates not later than Friday, April 18, 2003. Upon receipt of the parties' proposed dates, the court will set the matter for a rule 26(f) scheduling conference at which time it will issue a definitive schedule along with its scheduling and case management order by Judge Gary A. Feess CR: N/A (bp) (Entered: 04/02/2003)
04/30/2003	20	NOTICE OF NON AVAILABILITY by plaintiff Helen Moore that attorney Gregory A. Yates will be unavailable from 06/20/03 through 06/30/03 (jp) (Entered: 05/01/2003)
04/30/2003	21	NOTICE OF INTRA-OFFICE CHANGE OF ATTORNEY filed by attorney Jeffrey W Korn for defendant City of Los Angeles, Bernard Parks, Martin Perello and David Vinton; The new attorney assigned to handle this matter is Shaun Dabby Jacobs, in place and instead of Jeffrey W Korn; Jacobs' telephone number is 213-978-2708; Fax 213-978-2211 (nhac) (Entered: 05/01/2003)
07/08/2003	<a href="#">22</a>	MINUTES: On April 1, 2003, the court issued an order instructing the parties in this case to review the court's schedule of trial and pretrial dates and submit to the court a proposed schedule of dates. The parties were instructed to respond by Friday, April 18, 2003, but the court has received no responses. Accordingly, the parties are again instructed to confer and submit to the court a proposed schedule of dates, no later than Friday, July 25, 2003. Upon receipt of the parties' response, the court will set the matter for rule 26(f) scheduling conference, at which time it will issue a definitive schedule along with its scheduling and case management order by Judge Gary A. Feess CR: None Present (bp) (Entered: 07/09/2003)
07/24/2003	23	Proposed schedule of trial and pretrial dates by defendants City of Los Angeles, Bernard Parks, Martin Perello and David Vinton (bp) (Entered: 07/25/2003)
08/12/2003	<a href="#">24</a>	CASE MANAGEMENT AND SCHEDULING ORDER by Judge Gary A. Feess discovery ddl set on 11/16/04; last day for hearing motions 11/23/04; last date to conduct settlement conference 11/30/04; lodge pretrial conference order 12/14/04; hearing on motions in limine 1/18/05; Final Pretrial Conference set for 3:00 12/28/04 jury trial set on 8:30 1/25/05 (bp) (Entered: 08/13/2003)
12/05/2003	25	NOTICE of non availability of counsel for plaintiffs by plaintiff Helen Moore - (bp) (Entered: 12/08/2003)
01/09/2004	<a href="#">26</a>	REQUEST FOR ENTRY OF A PROTECTIVE ORDER. Protective Order regarding The City's Confidential Material by Judge Andrew J. Wistrich (bp, ) (Entered: 01/12/2004)
03/03/2004	<a href="#">27</a>	STIPULATION AND ORDER that the above-captioned action be and hereby is dismissed with prejudice, against the defendants City of Los Angeles, David Vinton, Scott Voeltz, Martin Perello, Jeremy Stanford, Bernard Parks and all of the City's departments, commissions, boards, bureaus, officials, officers, agents and employees, whether named or unnamed, served or unserved, pursuant to Federal Rule 41(A) of the Federal Rules of Civil Procedure, with each side to bear its own costs by Judge Gary A. Feess :, (Made JS-6. Case Terminated.)(bp, ). (Entered: 03/04/2004)

Transaction Receipt			
06/10/2022 14:13:52			
<b>PACER Login:</b>	fpdcac0087	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:02-cv-05355-GAF-AJWX End date: 6/10/2022
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2 ARNOLDO CASILLAS, ESQ.  
3 MORENO, BECERRA, GUERRERO & CASILLAS  
4 A Professional Law Corporation  
5 3500 West Beverly Boulevard  
6 Montebello, CA 90640-1541  
7 Telephone: (323) 725-0917  
8 Facsimile: (323) 725-0350

9 Attorneys for Plaintiff  
10 RAMIRO PADILLA

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

RAMIRO PADILLA,

Plaintiff,

v.

CITY OF LOS ANGELES, DAVID VINTON,  
NATHAN BUTCHER, BERNARD PARKS,  
AND DOE DEFENDANTS 1 THROUGH 10,  
INCLUSIVE,

Defendants.

CASE NO: 2-05631

PA (Ex)

COMPLAINT FOR DAMAGES:

CIVIL RIGHTS VIOLATIONS  
PURSUANT TO 42 U.S.C. §§  
1983; NEGLIGENCE,  
MALICIOUS PROSECUTION,  
FALSE IMPRISONMENT

[REQUEST FOR JURY TRIAL]

COMPLAINT

COMES NOW PLAINTIFF RAMIRO PADILLA, and alleges as follows:

I.

VENUE AND JURISDICTION

1. This action is brought pursuant 42 U.S.C. §§ 1983, and the Fourth and Fourteenth Amendments of the United States Constitution. Jurisdiction is founded on 29 U.S.C. §§1331 and 1343(1), (2), (3) and (4), and the aforementioned statutory and Constitutional provisions.
2. Venue is proper in the Central District of California. The injury occurred in the City of Los Angeles, California.

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07/17/2002 3:05:59 PM Receipt #: 18960  
Cashier : ABELLAMY (LA 1-11)  
Paid by: MORENO, BECERRA GUERRERO AND CA  
SILLAS  
2:CV02-05631  
2002-086900 5 - Filing Fee Civil(1)  
Amount : \$60.00  
2:CV02-05631  
2002-510000 11 - Special Fund F/F(1)  
Amount : \$90.00  
Check Payment : 0061 / 150.00  
Total Payment : 150.00



II.

PARTIES

3. At all times relevant hereto, Plaintiff RAMIRO PADILLA was a resident of the County of Los Angeles, California. PLAINTIFF is Mexican-American.
4. At all times mentioned herein, defendant CITY OF LOS ANGELES was a public entity duly organized and existing under and by virtue of the laws of the state of California.
5. At all times relevant herein, defendants DAVID VINTON, NATHAN BUTCHER, and DOES 1 through 5, (hereafter "POLICE OFFICER DEFENDANTS") were residents of the County of Los Angeles, and were police officers, sergeants, detectives, and/or civilian employees, agents and representatives of the City of Los Angeles Police Department and employees, agents and representatives of the City of Los Angeles. At all times relevant hereto, said defendants were acting within the course and scope of their employment as officers, sergeants, captains and chiefs of police, policy makers, and/or civilian employees of the Los Angeles Police Department, a department and subdivision of defendant City of Los Angeles. At all times relevant herein, said defendants were acting under color of law, to wit, under the color of the statutes, ordinances, regulations, policies, customs, practices and usages of defendant CITY OF LOS ANGELES, its police department and/or the State of California.
6. At all times relevant herein, defendants BERNARD PARKS, and DOES 6 through 10, (hereafter "SUPERVISING OFFICER DEFENDANTS") were residents of the County of Los Angeles, and were police officers, sergeants, detectives, captains, lieutenants, chiefs of police, and/or civilian employees, agents and representatives of the City of Los Angeles Police Department and employees, agents and representatives of the City of Los Angeles. At all times relevant hereto, said defendants were acting within the course and scope of their employment as

1 officers, sergeants, captains and chiefs of police, policy makers, and/or civilian  
2 employees of the Los Angeles Police Department, a department and subdivision of  
3 defendant City of Los Angeles. At all times relevant herein, said defendants were  
4 acting under color of law, to wit, under the color of the statutes, ordinances,  
5 regulations, policies, customs, practices and usages of defendant CITY OF LOS  
6 ANGELES, its police department and/or the State of California.

7 7. PLAINTIFF is ignorant of the true names and capacities of defendants sued  
8 herein as DOE defendants 1 through 10, inclusive, and therefore sues these  
9 defendants by such fictitious names. PLAINTIFF will amend this complaint to  
10 allege their true names and capacities when ascertained. PLAINTIFF is informed  
11 and believes and thereon alleges that each of the fictitiously named defendants is  
12 responsible in some manner for the occurrences herein alleged, and that  
13 PLAINTIFF's injuries as herein alleged were proximately caused by the acts  
14 and/or omissions of said fictitiously named defendants.

15 8. At all times relevant herein, defendants BERNARD PARKS and DOE defendants  
16 6 through 10, inclusive, were supervisors and/or policy makers for the City of Los  
17 Angeles Police Department which employed organized unlawful and illegal  
18 customs and practices of excessive force and illegal searches and seizures, false  
19 arrests which lacked probable cause, falsification of evidence, filing of false police  
20 reports in violation of P.C. §118.1, committing perjury in carrying out their  
21 mandate. Said misconduct was encouraged, tolerated and condoned by defendants  
22 BERNARD PARKS, and DOE defendants 6 through 10, inclusive.

23 9. At all times relevant herein, defendants DAVID VINTON, NATHAN BUTCHER,  
24 and DOE defendants 1 - 10, and each of them, were acting within the course and  
25 scope of their employment as police officers and employees of the CITY OF LOS  
26 ANGELES, which is liable in respondeat superior for said employees state-law  
27 torts pursuant to section 815.2 of the California Government Code.



**III.**

**FACTS COMMON TO ALL COUNTS/CAUSES OF ACTION**

10. On October 26, 2001, the Superior Court for the State of California allowed Plaintiff to withdraw a guilty plea earlier entered into by Plaintiff and entered a dismissal of all charges against Plaintiff in criminal case number BA 170 763. This invalidated Plaintiff's earlier conviction of sales of narcotics.
11. PLAINTIFF was originally arrested by defendants DAVID VINTON, NATHAN BUTCHER, and DOES 1 through 5, inclusive, on June 30, 1988, and said defendants were at all times relevant hereto Los Angeles police officers assigned to the LAPD's Central Division.
12. PLAINTIFF was acting lawfully POLICE OFFICER DEFENDANTS, arrested him without a warrant, probable cause, consent, or any other legal justification, and proceeded to plant narcotics on PLAINTIFF for the purpose of framing him to cause him to illegally and without justification, spend time in jail.
13. POLICE OFFICER DEFENDANTS claim to have caught Mr. Padilla with narcotics on his person, all the time knowing that nothing of the sort happened.
14. POLICE OFFICER DEFENDANTS planted the narcotics and articles in an effort to secure PLAINTIFF's conviction and imprisonment.
15. PLAINTIFF was arrested, and pled guilty based solely on his fear that the word of POLICE OFFICER DEFENDANTS would be believed over his own.
16. PLAINTIFF moved to set aside the guilty plea due to new information released by the District Attorney's Office indicating these officers were involved in the Rampart Corruption scandal, his own innocence, and the fact that the drugs allegedly confiscated from him at the time of arrest were missing.
17. Due to the above described actions of POLICE OFFICER DEFENDANTS, PLAINTIFF served a total of 200 days in the Los Angeles County Jail.
18. PLAINTIFF continues to suffer from the injuries proximately caused by his

wrongful, false and malicious arrest, detention, prosecution, conviction, and imprisonment by way of continuous pain, shock, fear, apprehension, nervousness, anxiety, and depression.

19. As provided in Heck v. Humphrey, 512 U.S. 477, 486-487, 117 S. Ct. 2354 (1994) and Cabrera v. City of Huntington Park, 159 F.3d 374 (9<sup>th</sup> Cir, 1998), PLAINTIFF's claims for false arrest, malicious prosecution and false imprisonment did not accrue until his conviction was invalidated through dismissal on the above indicated date.

20. With respect to the state law claims that are presented herein, the present plaintiffs have timely filed tort claim with the City of Los Angeles and PLAINTIFF will amend the pleadings to reflect their anticipated rejection upon that occurrence.

21. Defendant City of Los Angeles is liable in respondeat superior for the state law claims presented herein pursuant to section 815.2 of the California Government Code for the acts of its employees named herein who at all times alleged herein was acting in the course and scope of their employment with said public entity.

#### IV.

#### **FIRST COUNT/CAUSE OF ACTION**

#### **VIOLATION OF PLAINTIFF'S PROCEDURAL AND SUBSTANTIVE DUE PROCESS RIGHTS THROUGH MALICIOUS PROSECUTION/FALSE IMPRISONMENT**

#### **[As to POLICE OFFICER DEFENDANTS]**

22. PLAINTIFF repeats, reallege and incorporates each and every allegation of each and every paragraph above as though fully set forth herein.

23. This action is brought pursuant to 42 U.S.C. §1983 and the Fourteenth Amendment of the United States Constitution for violation of PLAINTIFF's



1 procedural and substantive due process rights and the violation thereof resulting  
2 from the malicious prosecution by the defendants named herein and resulting false  
3 imprisonment.

4 24. As delineated in above, PLAINTIFF was wrongfully arrested without probable  
5 cause, and was charged and convicted based upon the false charges, statements,  
6 police reports, evidence and testimony presented by POLICE OFFICER  
7 DEFENDANTS.

8 25. Said defendants, in violation of Penal Code section 118.1 filed materially false  
9 police reports, made materially false statements to investigators and prosecutors  
10 that PLAINTIFF had possessed and attempted to sell said controlled substances,  
11 and presented falsified evidence, all for the purpose of having PLAINTIFF  
12 wrongfully, unjustly and falsely charged with crimes, and to ensure that  
13 PLAINTIFF would be falsely and wrongfully prosecuted.

14 26. At no time did said defendants have probable cause to arrest and charge  
15 PLAINTIFF for any crime or to recommend that he be prosecuted.  
16 Notwithstanding this, with malice and conscious disregard for his rights to due  
17 process, said defendants presented the above false evidence and recommended that  
18 PLAINTIFF be charged and prosecuted and thereafter meaningfully participated in  
19 his prosecution to ensure his wrongful conviction and wrongful imprisonment.

20 27. As a result of the above-described acts and misconduct, PLAINTIFF was  
21 wrongfully and unjustly convicted of the violations indicated above, and thereafter  
22 was wrongfully sentenced to state prison.

23 28. As indicated above, PLAINTIFF's conviction was expunged, overturned and/or  
24 otherwise unconditionally invalidated by court order. As a result of the  
25 misconduct described herein, PLAINTIFF was detained, incarcerated and  
26 imprisoned for the period stated above.

27 ///

29. As the actual and proximate result of the acts and omissions of said defendants as described herein, PLAINTIFF was made to lose his freedom and liberty for the period stated above this in violation of the Fourteenth Amendment's procedural and substantive due process guarantees. During said incarceration PLAINTIFF suffered personal and bodily injuries, and during said time he suffered, and continues to suffer, severe emotional and psychological pain, suffering, anxiety, depression, anguish, shock, and fear. Further, PLAINTIFF has been made to hire medical specialists for treatment and therapy for his injuries. As further proximately resulting from said defendants' misconduct, PLAINTIFF has experienced a significant loss of wages and a significant loss of his ability to obtain and maintain gainful employment.

30. The aforementioned acts of said defendants was willful, wanton, malicious and oppressive and said misconduct shocks the conscience thereby justifying the awarding of exemplary and punitive damages as to these defendants.

V.

**SECOND COUNT/CAUSE OF ACTION**

**VIOLATION OF CONSTITUTIONAL RIGHT TO BE FREE FROM  
UNREASONABLE SEARCHES AND SEIZURES**

**[As to POLICE OFFICER DEFENDANTS]**

31. PLAINTIFF repeats, reallege and incorporates each and every allegation of each and every paragraph above as though fully set forth herein.

32. This action is brought pursuant to 42 U.S.C. §1983, and the Fourth Amendment of the United States Constitution.

33. At all times relevant hereto, PLAINTIFF possessed the right, guaranteed by the Fourth Amendment of the United States Constitution, to be free from unreasonable searches, seizures, and uses of force by police officers acting under the color of



1 law.

2 34. As described above, POLICE OFFICER DEFENDANTS violated PLAINTIFF's  
3 Fourth Amendment rights by unlawfully and unreasonably detaining, handcuffing,  
4 arresting, and imprisoning him without reasonable suspicion or probable cause.

5 35. In doing these things, said defendants acted specifically with the intent to deprive  
6 PLAINTIFF of his constitutional rights under the Fourth Amendment to be free  
7 from unreasonable seizures.

8 36. Said defendants subjected PLAINTIFF to the aforementioned deprivations by  
9 either actual malice, deliberate indifference or a reckless disregard of his rights  
10 under the U.S. Constitution.

11 37. Said defendants, acted at all times herein knowing full well that the established  
12 practices, customs, procedures and policies of the City of Los Angeles Police  
13 Department would allow a cover-up and allow the continued violation of the  
14 Fourth Amendment of the Constitution of the United States.

15 38. As a direct and proximate result of the aforementioned acts of said defendants,  
16 PLAINTIFF suffered the violation of his constitutional rights as described above.  
17 As the further actual and proximate result of the acts and omissions of said  
18 defendants, as described herein, PLAINTIFF was made to lose his freedom and  
19 liberty for the period of time indicated above, this in violation of the Fourteenth  
20 Amendment's due process guarantees. During said incarceration PLAINTIFF  
21 suffered personal and bodily injuries, and during said time he suffered, and  
22 continues to suffer, severe emotional and psychological pain, suffering, anxiety,  
23 depression, anguish, shock, and fear. Further, PLAINTIFF has been made to hire  
24 medical specialists for treatment and therapy for his injuries. As further  
25 proximately resulting from said defendants' misconduct, PLAINTIFF has  
26 experienced a significant loss of wages and a significant loss of his ability to  
27 obtain and maintain gainful employment.

39. The aforementioned acts of said defendants were willful, wanton, malicious and oppressive thereby justifying the awarding of exemplary and punitive damages as to said defendants.

**VI.**

**THIRD COUNT/CAUSE OF ACTION**

**CONSPIRACY TO VIOLATE PLAINTIFF'S**

**FOURTH AND FOURTEENTH AMENDMENT RIGHTS**

**[As to POLICE OFFICER DEFENDANTS]**

40. PLAINTIFF repeats, reallege and incorporates each and every allegation of each and every paragraph above as though fully set forth herein.

41. This action is brought pursuant to 42 U.S.C. §1983 and the Fourteenth Amendment of the United States Constitution.

42. Beginning on the date of PLAINTIFF's arrest and continuing through the date of PLAINTIFF's conviction, POLICE OFFICER DEFENDANTS planned and acted in concert to violate the Fourth and Fourteenth Amendment Rights of PLAINTIFF and to carry out a malicious and evil plan to falsely and wrongfully arrest PLAINTIFF and have him wrongfully and illegally prosecuted, convicted and imprisoned.

43. At said time and place, said defendants expressly and impliedly agreed that they would unlawfully seize, handcuff, detain, falsify evidence against, arrest, convict and imprison PLAINTIFF, all for the malicious and unlawful purpose of violating PLAINTIFF's civil rights and of unlawfully inflicting punishment on PLAINTIFF.

44. Said defendants along with other co-conspirators purposefully, under color of law, planned and intended to deny PLAINTIFF the equal protection of the laws and injure PLAINTIFF in the following respects:

- a. to deny the right to be free from unreasonable arrests not based on probable cause,



1           b.     to deny the right not to be deprived of life and liberty without due process  
2                 of law,

3           c.     to deny the right against cruel and unusual punishment.

4 45.   By virtue of the foregoing, said defendants and two or more of them, conspired for  
5         the purpose of:

6           a.     depriving PLAINTIFF of equal protection of the laws and of equal  
7                 protection and immunities under the law; and,

8           b.     preventing and hindering the constituted authorities, including but not  
9                 limited to the Los Angeles County District Attorney, the State of California  
10                and the Federal Bureau of Investigation from giving and securing  
11                PLAINTIFF's equal protection of the law and preventing deprivation of  
12                liberty and property without due process of law.

13 46.   Said defendants, and each of them, did and caused to be done, an act or acts in  
14         furtherance of the object of the conspiracy, as enumerated above, whereby  
15         PLAINTIFF was deprived of the rights and privileges as set forth above. These  
16         acts included the said defendants fraudulently and unlawfully placing evidence  
17         upon the person of PLAINTIFF and falsely and/or falsely claiming that he had  
18         possessed said evidence, authoring and filing false police reports in violation of  
19         P.C. §118.1 to conceal and justify police misconduct, knowingly approving such  
20         false reports, giving false and deliberately misleading and perjurious statements to  
21         investigators, giving false and perjurious testimony in the investigation of the  
22         incident and as part of the related criminal proceedings, and failing to discipline  
23         and recommend for prosecution officers committing such misconduct.

24 47.   By virtue of the foregoing, said defendants, and each of them, PLAINTIFF's  
25         procedural and substantive due process rights under the Fourteenth Amendment.

26 48.   Notwithstanding the duties owed to PLAINTIFF, and notwithstanding the laws of  
27         the state of California and the rights granted to PLAINTIFF under the U.S.

28

1 Constitution, these defendants, and each of them, with deliberate indifference to  
 2 the constitutional rights of PLAINTIFF, failed and refused to prevent the wrongs  
 3 conspired to be committed against PLAINTIFF, despite their ability and duty to do  
 4 so.

5 49. As the actual and proximate result of the acts and omissions of said defendants, as  
 6 described herein, PLAINTIFF was made to lose his freedom and liberty for the  
 7 period stated above, in violation of the Fourteenth Amendment's procedural and  
 8 substantive due process guarantees. During said incarceration PLAINTIFF  
 9 suffered personal and bodily injuries, and during said time he suffered, and  
 10 continues to suffer, severe emotional and psychological pain, suffering, anxiety,  
 11 depression, anguish, shock, and fear. Further, PLAINTIFF has been made to hire  
 12 medical specialists for treatment and therapy for his injuries. As further  
 13 proximately resulting from said defendants' misconduct, PLAINTIFF has  
 14 experienced a significant loss of wages and a significant loss of his ability to  
 15 obtain and maintain gainful employment.

16 50. The aforementioned acts of said defendants were willful, wanton, malicious and  
 17 oppressive thereby justifying the awarding of exemplary and punitive damages as  
 18 to said defendants.

## 19 20 VII.

### 21 FOURTH COUNT/CAUSE OF ACTION

#### 22 **FAILURE TO INTERVENE TO PREVENT CIVIL RIGHTS VIOLATIONS**

#### 23 **[As to POLICE OFFICER DEFENDANTS]**

24 51. PLAINTIFF repeats, realleges and incorporates each and every allegation of each  
 25 and every paragraph above as though fully set forth herein.

26 52. This action is brought pursuant to 42 U.S.C. §1983, and the Fourteenth  
 27 Amendment of the United States Constitution, for violation of PLAINTIFF's  
 28



procedural and substantive due process rights.

53. At the time and place alleged herein, POLICE OFFICER DEFENDANTS were present at the immediate scene of the arrest and booking of PLAINTIFF.

54. At said date and location, said defendants were in the position and authority to lawfully intervene in and prevent the unjustified and unwarranted detention, search and arrest of PLAINTIFF.

55. At said date and location, said defendants had ample and reasonably sufficient time and opportunity to so intervene and prevent the unlawful detention, search and arrest of PLAINTIFF, and were compelled to do so as peace officers under the laws of the State of California and under the Constitution of the United States of America.

56. At said date and location, in deliberate indifference to PLAINTIFF's life, health and Constitutional rights, said defendants intentionally and with deliberate indifference to the civil rights of PLAINTIFF, refrained from intervening in said detention and arrest.

57. As a result thereof, said defendants unlawfully seized, detained, searched and arrested PLAINTIFF and unlawfully and unjustifiably caused him to be prosecuted and imprisoned in violation of his rights under the Fourth and Fourteenth Amendments of the Constitution of the United States of America.

58. Thereafter, said defendants were in the position and authority to lawfully intervene in and prevent the unjustified and unwarranted prosecution of PLAINTIFF and further failed to intervene to prevent the unlawful and malicious prosecution, conviction and imprisonment of PLAINTIFF. After said conviction, said defendants were in the position and authority to stop the imprisonment of PLAINTIFF by revealing the invalidity of the search which lead to PLAINTIFF's arrest and failed to do so and allowed PLAINTIFF to be wrongfully sentenced and thereafter imprisoned for the period indicated above.

59. As the actual and proximate result of the acts and omissions of said defendants as described herein, PLAINTIFF suffered personal injuries to his body as a result of the excessive force used upon him, and was made to lose his freedom and liberty for the period stated above, this in violation of the Fourteenth Amendment's procedural and substantive due process guarantees. During said incarceration PLAINTIFF suffered personal and bodily injuries, and during said time he suffered, and continues to suffer, severe emotional and psychological pain, suffering, anxiety, depression, anguish, shock, and fear. Further, PLAINTIFF has been made to hire medical specialists for treatment and therapy for his injuries. As further proximately resulting from said defendants' misconduct, PLAINTIFF has experienced a significant loss of wages and a significant loss of his ability to obtain and maintain gainful employment.

60. The aforementioned acts of POLICE OFFICER DEFENDANTS were willful, wanton, malicious, oppressive and shocking to the conscience thereby justifying the awarding of exemplary and punitive damages as to said defendants.

## VIII.

### FIFTH COUNT/CAUSE OF ACTION

#### **SUPERVISORIAL RESPONSIBILITY FOR VIOLATIONS OF PLAINTIFF'S FOURTH AND FOURTEENTH AMENDMENT RIGHTS**

**[As to BERNARD PARKS, and Does 6 Through 10, Inclusive]**

61. PLAINTIFF repeats, realleges and incorporates each and every allegation of each and every paragraph above as though fully set forth herein.

62. This action is brought pursuant to 42 U.S.C. §1983, for violation of PLAINTIFF's rights under the Fourth and Fourteenth Amendments of the U.S. Constitution.

63. On the date of PLAINTIFF's arrest, defendants BERNARD PARKS and DOES 6 through 10, inclusive, learned and became aware of the arrest of PLAINTIFF by



POLICE OFFICER DEFENDANTS.

64. Thereafter, defendants BERNARD PARKS and DOES 6 through 10, inclusive, conducted an investigation of the arrest by personally evaluating the evidence of the incident, by taking statements from the individuals involved.
65. Said defendants were aware of the customs, practices, and propensities of their subordinates - POLICE OFFICER DEFENDANTS - to conduct illegal and wrongful searches, to make false arrests, to employ excessive and unnecessary force, to file false police reports in violation of P.C. §118.1, to falsify evidence and to commit perjury to conceal this misconduct, and to unlawfully and without probable cause or suspicion detain, arrest and imprison persons; including the misconduct alleged in the present complaint. Said defendants tolerated, encouraged and expressly and impliedly condoned this misconduct by consciously ignoring, turning a blind eye to and overlooking and ratifying such misconduct.
66. Since 1990, said defendants were aware of repeated acts of unlawful searches and seizures, the illegal use of excessive force, the preparation and submission of false and misleading police reports, the falsification of evidence and the commission of perjury by POLICE OFFICER DEFENDANTS and of conspiracies amongst said police officers to conceal said misconduct.
67. Notwithstanding this knowledge, said defendants encouraged and facilitated such conduct and deliberately and leniently overlooked and ratified the misconduct of POLICE OFFICER DEFENDANTS by failing to discipline said officers, approving false and misleading police reports authored by said officers, and failing to recommend the investigation and criminal prosecution of said officers for their misconduct, and in the present instance failing to supervise and control POLICE OFFICER DEFENDANTS so as to prevent the misconduct alleged herein and by failing to train said subordinate officers in the procedures, laws and practices that would eliminate the risk of the constitutional violations alleged herein.

- 1 68. By consciously and deliberately overlooking the repeated acts of misconduct and  
2 criminal acts by their subordinate officers, including their subordinates POLICE  
3 OFFICER DEFENDANTS said defendants established a custom and practice of  
4 condoning and ratifying such misconduct and criminal activity, and established a  
5 tolerated pattern of constitutional violations amongst their subordinate officers.  
6 The condoning of misconduct by said defendants was so comprehensive and well-  
7 known that their subordinate officers were emboldened to blatantly violate the  
8 constitutional rights of any persons the subordinate officers came into contact with  
9 while on duty and while off duty to commit crimes such as the theft and sales of  
10 narcotics, the theft of property, false arrests, perjury, assaults and batteries with  
11 impunity.
- 12 69. Through their conscious disregard for the rights of the persons their subordinates  
13 would come in contact with and through their custom and practice of encouraging,  
14 condoning, tolerating and ratifying constitutional violations and criminal activity  
15 by their subordinates, said defendants were deliberately indifferent to the  
16 constitutional violations being committed by their subordinates, including POLICE  
17 OFFICER DEFENDANTS.
- 18 70. Based on the evaluation of the arrest and the evidence from the incident which  
19 underlies this lawsuit, said defendants, as described above, and based on their  
20 knowledge of the prior misconduct of the officers involved in the incident, said  
21 defendants concluded that the arrest of PLAINTIFF was unjustified, that a  
22 conspiracy was in place and continuing between the police officers involved in the  
23 incident to conceal the wrongfulness of their conduct, and that discipline and  
24 criminal prosecution of the officers was called for. Notwithstanding this  
25 information and their conclusions, said defendants ratified, condoned, approved  
26 and turned a blind eye to the misconduct of POLICE OFFICER DEFENDANTS  
27 failing to discipline said officers and failing to recommend the investigation and  
28



1 criminal prosecution of said officers.

2 71. Because of their failure to act to prevent the continuing constitutional violations by  
3 their subordinates, and because of the establishment of the policies and practices  
4 described above as well as their failure to adequately train their subordinates, said  
5 defendants are liable for the constitutional violations committed by POLICE  
6 OFFICER DEFENDANTS and for the damages suffered by PLAINTIFF as  
7 described herein. As the actual and proximate result of the acts and omissions of  
8 said defendants, PLAINTIFF was wrongfully and illegally imprisoned and made to  
9 lose his freedom and liberty for the duration of the period indicated above, this in  
10 violation of the Fourteenth Amendment's due process guarantees.

11 72. As the actual and proximate result of the acts and omissions of said defendants as  
12 described herein, PLAINTIFF suffered personal injuries as a result of an illegal  
13 and excessive use of force against his person and was made to lose his freedom  
14 and liberty for the period stated above in violation of the Fourteenth Amendment's  
15 procedural and substantive due process guarantees. During said incarceration  
16 PLAINTIFF suffered personal and bodily injuries, and during said time he  
17 suffered, and continues to suffer, severe emotional and psychological pain,  
18 suffering, anxiety, depression, anguish, shock, and fear. Further, PLAINTIFF has  
19 been made to hire medical specialists for treatment and therapy for his injuries. As  
20 further proximately resulting from said defendants' misconduct, PLAINTIFF has  
21 experienced a significant loss of wages and a significant loss of his ability to  
22 obtain and maintain gainful employment.

23 73. The aforementioned acts of BERNARD PARKS and DOES 6 through 10,  
24 inclusive were willful, wanton, malicious and oppressive thereby justifying the  
25 awarding of exemplary and punitive damages as to these defendants.

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**IX.**  
**SIXTH COUNT/CAUSE OF ACTION**

**MUNICIPAL LIABILITY FOR VIOLATION OF CONSTITUTIONAL RIGHTS**

**[As to CITY OF LOS ANGELES and SUPERVISING OFFICER  
DEFENDANTS]**

74. PLAINTIFF repeats, realleges and incorporates each and every allegation of each and every paragraph above as though fully set forth herein.

75. This action is brought pursuant to 42 U.S.C. §1983 for violation of PLAINTIFF's rights under the Fourth and Fourteenth Amendments.

76. On the date of PLAINTIFF's arrest indicated above POLICE OFFICER DEFENDANTS, acting within the course and scope of their duties as peace officers of the City of Los Angeles, deprived PLAINTIFF of his rights to be free from unreasonable seizures and unlawful arrests as delineated herein above, and thereafter in violation of PLAINTIFF's due process rights proceeded to falsify evidence, submit false police reports and offer perjurious testimony so as to ensure that PLAINTIFF would be wrongfully convicted and sentenced.

77. At the time of these constitutional violations by Defendants CITY OF LOS ANGELES and SUPERVISING OFFICER DEFENDANTS had in place, and had ratified, policies, procedures, customs and practices which permitted and encouraged their police officers to unjustifiably, unreasonably and in violation of the Fourth and Fourteenth Amendments, to unlawfully arrest persons without probable cause, and specifically Mexican-Americans as well as members of other minority groups.

78. Said policies, procedures, customs and practices also called for the City of Los Angeles and its Police Department not to discipline, prosecute, or objectively and/or independently investigate or in any way deal with or respond to known incidents and complaints of false arrests, falsification of evidence, the preparation of false police reports to justify such wrongful conduct, and the giving of false



1 testimony in trial to cover-up and conceal such wrongful conduct by officers of the  
2 Los Angeles Police Department and its Rampart and Central Divisions, and for the  
3 City of Los Angeles to fail to objectively and/or independently investigate or in  
4 any way deal with or respond to or the related claims and lawsuits made as a result  
5 of such false arrests and related misconduct.

6 79. Defendants CITY OF LOS ANGELES and SUPERVISING OFFICER

7 DEFENDANTS were aware of and were deliberately indifferent to a pervasive and  
8 widespread pattern and practice with the LAPD of concealing known instances of  
9 evidence planting, evidence tampering, perjury, falsified police reports, witness  
10 coercion, excessive force, on-duty criminal acts and on-duty acts of moral  
11 turpitude. This pattern and practice was identified and documented by the  
12 commission appointed by the City of Los Angeles known as the "Christopher  
13 Commission." Said commission issued a report to the City of Los Angeles  
14 describing this pattern and practice as a "Code of Silence" and identified it as a  
15 cause of continued civil rights violations, and put said Defendants on notice of the  
16 existence of such pattern and practice. Said Defendants failed to take any  
17 reasonable measures to correct this pattern and practice and as a result said city  
18 and persons have been deliberately indifferent to the civil rights violations which  
19 resulted, including those which are described in the present claim.

20 80. Said policies, procedures, customs and practices called for and led to the refusal of  
21 said Defendants to investigate complaints of previous incidents of false and  
22 unlawful arrests, the filing of false police reports to conceal such misconduct, the  
23 falsification evidence and perjury and, instead, officially claim that such incidents  
24 were justified and proper.

25 81. Said policies, procedures, customs and practices called for said Defendants, by  
26 means of inaction and coverup, to encourage an atmosphere of lawlessness within  
27 the police department and to encourage their police officers to believe that  
28

1 improper arrest of residents of the Los Angeles County or persons present therein,  
2 including members of minority groups, the planting of evidence, the submission of  
3 false police reports, and the commission of perjury was permissible and to believe  
4 that unlawful acts of falsification of evidence and perjury would be overlooked  
5 without discipline or other official ramifications.

6 82. Said policies, procedures, customs and practices of said Defendants and each of  
7 them evidenced a deliberate indifference to the violations of the constitutional  
8 rights of PLAINTIFF. This indifference was manifested by the failure to change,  
9 correct, revoke, or rescind said policies, procedures, customs and practices in light  
10 of prior knowledge by said Defendants and their subordinate policymakers of  
11 indistinguishably similar incidents of unjustified and unreasonable and unlawful  
12 arrests, falsification of evidence, evidence tampering, submission of false police  
13 reports and perjury.

14 83. Deliberate indifference to the civil rights of minority groups and other victims of  
15 the LAPD's unlawful arrests, falsified evidence, false and misleading police  
16 reports and false and perjurious testimony was also evidenced by said Defendants  
17 by their ignoring of the history and pattern of prior civil lawsuits alleging civil  
18 rights violations, similar to those alleged herein, arising from such misconduct and  
19 the related payment of judgments to such individuals.

20 84. Deliberate indifference to the civil rights of minority groups and other victims of  
21 the LAPD's unlawful arrests, falsified evidence, false and misleading police  
22 reports and false and perjurious testimony was also evidenced by said Defendants  
23 by their ignoring findings of the report by the Christopher Commission which  
24 found said policies, procedures, customs and practices to be in place, and found  
25 that there existed in the Los Angeles Police Department an environment and  
26 atmosphere which condoned unjustified and unreasonable police shootings, arrests,  
27 falsification of evidence, evidence tampering, submission of false police reports  
28



1 and perjury.

2 85. Deliberate indifference is also evidenced by an absence of or by maintenance of an  
3 inadequate system of tort claims tracking, firearms discharges tracking, use-of-  
4 force tracking, and by maintaining an inadequate system of officer discipline and  
5 independent and objective investigation by the City of Los Angeles and its police  
6 department which failed to identify and investigate instances of false and unlawful  
7 arrests, falsification of evidence, submission of false police reports and perjury.

8 86. Deliberate indifference to the civil rights of minority groups and other victims of  
9 the LAPD's unlawful arrests and falsified evidence was also evidenced by the  
10 failure of by said Defendants to adequately train and more closely supervise or  
11 retrain officers and/or discipline or recommend prosecution of those officers who  
12 in fact improperly used such weapons, falsified evidence, tampered with evidence,  
13 submitted false and misleading police reports, and/or committed perjury.

14 87. Deliberate indifference to the civil rights of minority groups and other victims of  
15 the LAPD's unlawful arrests and falsified evidence was also evidenced by said  
16 Defendants support of and participation in the proceedings to implement an  
17 injunction against a defined group of Hispanic/Latino men and women living in  
18 and around the west central/ Pico-Union area of Los Angeles by falsely alleging  
19 that said individuals had participated in an organized and deliberate course of  
20 criminal conduct. Based upon the assistance, support and testimony of said  
21 Defendants, said injunction was granted and said Defendants then organized a  
22 deliberate and malicious plan, scheme and/or program to target said persons for  
23 harassment, arrest, detention, prosecution and imprisonment. Said plan, scheme  
24 and/or program was carried out by the officers of the Los Angeles Police  
25 Department, and POLICE OFFICER DEFENDANTS, and convictions under this  
26 injunction were obtained through falsified evidence, through acts of evidence  
27 tampering, the authoring and presentation of false and misleading police reports,

1 and the presentation of false testimony at trial.

2 88. Other systemic deficiencies of said Defendants which indicated, and continue to  
3 indicate, a deliberate indifference to the violations of the civil rights by the officers  
4 of the Los Angeles Police Department include:

- 5 a. preparation of investigative reports designed to vindicate and/or justify false  
6 and unlawful arrests;
- 7 b. preparation of investigative reports which uncritically rely solely on the  
8 word of LAPD officers involved in unlawful arrests or in the planting of  
9 evidence and which systematically fail to credit testimony by non-officer  
10 witnesses;
- 11 c. preparation of investigative reports which omit factual information and  
12 physical evidence which contradicts the accounts of the officers involved;
- 13 d. issuance of public statements exonerating officers involved in such  
14 incidents prior to the completion of investigations of wrongful arrests.
- 15 e. failure to maintain centralized department-wide system for the  
16 tracking and monitoring tort claims and lawsuits alleging false  
17 arrests, planting of evidence, perjury, abuse of authority, and race-  
18 based misconduct by individual officers so as to identify those  
19 officers who engage in a pattern of abuse of police authority and  
20 police misconduct.

21 89. Said Defendants also maintained a system of grossly inadequate training pertaining  
22 to the lawful making of arrests, police ethics, the law pertaining to searches and  
23 seizures, testifying in trial and perjury, the collection of evidence, and the  
24 preparation of police reports.

25 90. Deliberate indifference to the civil rights of minority groups and other victims of  
26 the LAPD's false arrests, planting of evidence, and perjury was also evidenced by  
27 said Defendants' failure to implement an officer discipline system which would  
28



1 conduct meaningful and independent investigations of citizen complaints of false  
2 arrests, falsified evidence, evidence tampering, authoring and filing of false and  
3 misleading police reports, and the presentation of false testimony at trial.

4 91. Deliberate indifference to the civil rights of minority groups and other victims of  
5 the LAPD's unlawful arrests, falsified evidence, false and misleading police  
6 reports and false and perjurious testimony was also evidenced by said Defendants  
7 implementing a practice and custom within the Los Angeles Police department of  
8 permitting officers of the Los Angeles Police department to engage in unlawful  
9 activities while on duty, such as the theft and sale of narcotics and drugs, theft,  
10 assaults, batteries, and other crimes of moral turpitude.

11 92. The foregoing acts, omissions, and systemic deficiencies are policies and customs  
12 of said Defendants and such caused, permitted and/or allowed under official  
13 sanction POLICE OFFICER DEFENDANTS to be unaware of, or intentionally  
14 overlook and ignore, the rules and laws governing the probable cause requirements  
15 for arrests, the falsification of evidence or the tampering with evidence, the  
16 submission of false police reports and the commission of perjury in criminal trials.  
17 The foregoing acts, omissions, and systemic deficiencies are policies and customs  
18 of said Defendants and such caused, permitted and/or allowed under official  
19 sanction said police officer Defendants to believe that arrests are entirely within  
20 the discretion of the officer and that improper and unlawful arrests, evidence  
21 falsification, filing of false and misleading police reports, and the commission of  
22 perjury would not be objectively, thoroughly and/or properly investigated, all with  
23 the foreseeable result that Defendants' officers would make false and unlawful  
24 arrests, and falsify evidence, submit false and misleading police reports, and  
25 commit perjury, and thereby violate the civil rights of the citizens of this state with  
26 whom said officers would come into contact with.

27 93. As a result of the aforementioned acts, omissions, systematic deficiencies, policies,  
28

1 procedures, customs and practices, POLICE OFFICER DEFENDANTS  
 2 unlawfully arrested PLAINTIFF, and developed and implemented a plan to falsely  
 3 accuse him of possessing drugs, and to secure his prosecution, conviction and  
 4 imprisonment through the offering of false and misleading police reports and the  
 5 presentation of falsified evidence and perjurious testimony.

6 94. As the actual and proximate result of the acts and omissions of said Defendants as  
 7 described wherein, PLAINTIFF was made to lose his freedom and liberty for the  
 8 period stated above in violation of the Fourteenth Amendment's procedural and  
 9 substantive due process guarantees. During said incarceration PLAINTIFF  
 10 suffered personal and bodily injuries, and during said time he suffered, and  
 11 continues to suffer, severe emotional and psychological pain, suffering, anxiety,  
 12 depression, anguish, shock, and fear. Further, PLAINTIFF has been made to hire  
 13 medical specialists for treatment and therapy for his injuries. As further  
 14 proximately resulting from said Defendants' misconduct, PLAINTIFF has  
 15 experienced a significant loss of wages and a significant loss of his ability to  
 16 obtain and maintain gainful employment.

17 95. The aforementioned acts of DEFENDANTS CITY OF LOS ANGELES and  
 18 SUPERVISING OFFICER DEFENDANTS were willful, wanton, malicious and  
 19 oppressive thereby justifying the awarding of exemplary and punitive damages as  
 20 to these Defendants.

21 X.

22 **SEVENTH COUNT/CAUSE OF ACTION**

23 **DELIBERATE INDIFFERENCE TO CIVIL RIGHTS VIOLATIONS**

24 **[AS TO BERNARD PARKS and DOES 1-6]**

25 96. PLAINTIFF repeats, realleges and incorporates each and every allegation of each  
 26 and every paragraph above as though fully set forth herein.

27 97. This action is brought pursuant to 42 U.S.C. §1983, for violation of PLAINTIFF's  
 28



1 rights under the Fourth and Fourteenth Amendments of the U.S. Constitution.

2 98. As chief of police of the Los Angeles Police Department, and as authorized  
3 by the Charter of the City of Los Angeles and Section 201.01 of the City of Los  
4 Angeles Police Department Policies and Procedures Manual (Chief of Police),  
5 defendant Bernard Parks exercised direct supervision over the personnel of the Los  
6 Angeles Police Department and was directly responsible for the training and  
7 discipline of officers of said department.

8 99. Said defendant was aware of the practices and customs summarized above, and  
9 was aware of the repeated occurrence of the civil rights violations which resulted  
10 from said customs and practices as enumerated above. Said defendant was also  
11 aware of the lack of training which is identified above, was aware of the repeated  
12 occurrence of the civil rights violations which resulted from said lack of training.

13 100. Since January of 1990, said defendant was aware that as a result of said customs,  
14 practices, and lack of training, that persons, such as the present plaintiff, would  
15 suffer the violation of their rights to be free from unreasonable seizures under the  
16 Fourth Amendment and their right to procedural and substantive due process under  
17 the Fourteenth Amendment.

18 101. Notwithstanding this knowledge of the regular occurring constitutional violations,  
19 said defendant knowingly and deliberately failed to act to prevent them. As a  
20 supervisor and manager of the Los Angeles Police Department and as the person  
21 directly responsible for the control and regulation of said police department, the  
22 failure of said defendant to take reasonable measures to prevent the constitutional  
23 violations amounted to reckless and callous indifference to the rights of those  
24 persons who would be the victims of such police misconduct, including the present  
25 plaintiff.

26 102. Notwithstanding this knowledge, said defendant was callous and deliberately  
27 indifferent to the LAPD's unreasonable and unlawful searches and arrests,  
28

1 falsified evidence, false and misleading police reports and false and perjurious  
2 testimony as well as the resulting constitutional violations, and said defendants  
3 manifested their deliberate indifference as follows:

- 4 A. By ignoring of the history and pattern of prior civil lawsuits alleging civil  
5 rights violations, similar to those alleged herein, arising from such  
6 misconduct and the related payment of judgments to such individuals;
- 7 B. By its ignoring findings of the report by the Christopher Commission which  
8 found said customs and practices to be in place, and found that there existed  
9 in the Los Angeles Police Department an environment and atmosphere  
10 which condoned unjustified and unreasonable arrests, falsification of  
11 evidence, evidence tampering, submission of false police reports and  
12 perjury;
- 13 C. by an absence of or by maintenance of an inadequate system of tort claims  
14 tracking and by maintaining an inadequate system of officer discipline and  
15 independent and objective investigation by the City of Los Angeles and its  
16 police department which failed to identify and investigate instances of false  
17 and unlawful searches and arrests, falsification of evidence, submission of  
18 false police reports, uses of excessive force, and perjury,
- 19 D. by the failure of by said defendant to adequately train and more closely  
20 supervise or retrain officers and/or discipline or recommend prosecution of  
21 those officers who in fact conducted illegal and unreasonable searches,  
22 conducted false and illegal arrests, falsified evidence, tampered with  
23 evidence, submitted false and misleading police reports, used excessive  
24 force, and/or committed perjury;
- 25 E. by the failure to implement an officer discipline system which would  
26 conduct meaningful and independent investigations of citizen complaints of  
27 illegal searches, false arrests, falsified evidence, evidence tampering,
- 28



- 1 authoring and filing of false and misleading police reports, using excessive  
2 force, and the presentation of false testimony at trial;
- 3 F. by the acquiescing in the practice and custom within the Los Angeles Police  
4 department of permitting officers of the Los Angeles Police department to  
5 engage in unlawful activities while on duty, such as the theft and sale of  
6 narcotics and drugs, theft, assaults, batteries, and other crimes of moral  
7 turpitude.
- 8 G. Other systemic deficiencies which said defendants acquiesced in, tolerated  
9 and ratified, which indicated, and continue to indicate, a deliberate  
10 indifference to the violations of the civil rights by the officers of the Los  
11 Angeles Police Department include those listed above in paragraph 92.
- 12 103. Through his conscious inaction, said defendant ratified, acquiesced in and  
13 accepted the pattern of constitutional violations identified above, and said  
14 defendant set in motion, ratified, and accepted this series of constitutional  
15 violations, including those of POLICE OFFICER DEFENDANTS as alleged  
16 herein.
- 17 104. Further, said defendant knowingly refused to terminate the customs and practices  
18 identified above, which he knew would cause the officers of the Los Angeles  
19 Police Department to inflict constitutional injury upon persons such as plaintiff.
- 20 105. As supervisor and manager of the Los Angeles Police Department, said defendant  
21 is liable in their individual capacity for his own culpable action and inaction in the  
22 training, supervision, or control of his subordinates as set forth in this cause of  
23 action for their acquiescence in the constitutional deprivation which resulted and  
24 for their inaction and deliberate, reckless and callous indifference to the rights of  
25 others.
- 26 106. The foregoing acts and omissions are customs and practices of said defendant  
27 caused, permitted and/or allowed under official sanction POLICE OFFICER  
28

1 DEFENDANTS to be unaware of, or intentionally overlook and ignore, the rules  
2 and laws governing the laws and requirements for conducting searches and the  
3 probable cause requirements for arrests as well as the constitutional standards for  
4 the use of force. The foregoing acts, omissions, and systemic deficiencies are  
5 customs and practices of said defendant and such caused, permitted and/or allowed  
6 under official sanction said police officer defendants to believe that searches,  
7 arrests, and uses of force are entirely within the discretion of the officer and that  
8 improper and unlawful searches and arrests, evidence falsification, filing of false  
9 and misleading police reports, the excessive use of force, and the commission of  
10 perjury would not be objectively, thoroughly and/or properly investigated, all with  
11 the foreseeable result that defendant's officers would make false and unlawful  
12 searches and arrests, and falsify evidence, submit false and misleading police  
13 reports, and commit perjury, and use excessive force, and thereby violate the civil  
14 rights of the citizens of this state with whom said officers would come into contact  
15 with.

16 107. As a result of the aforementioned acts and omissions, POLICE OFFICER  
17 DEFENDANTS unlawfully arrested PLAINTIFF, and developed and implemented  
18 a plan to unlawfully frame PLAINTIFF of possessing controlled substances for  
19 sale to secure his prosecution, conviction and imprisonment through the offering  
20 of false and misleading police reports and the presentation of falsified evidence  
21 and perjurious testimony.

22 108. As the actual and proximate result of the acts and omissions of said defendant as  
23 described wherein, PLAINTIFF was made to lose his freedom and liberty for the  
24 period stated above in violation of the Fourteenth Amendment's procedural and  
25 substantive due process guarantees. During said incarceration PLAINTIFF  
26 suffered personal and bodily injuries, and during said time he suffered, and  
27 continues to suffer, severe emotional and psychological pain, suffering, anxiety,  
28



1 depression, anguish, shock, and fear. Further, PLAINTIFF has been made to hire  
 2 medical specialists for treatment and therapy for his injuries. As further  
 3 proximately resulting from said defendant's acts, omissions, practices, and  
 4 customs, PLAINTIFF has experienced a significant loss of wages and a significant  
 5 loss of his ability to obtain and maintain gainful employment.

6  
 7 **XI.**

8 **EIGHTH COUNT/CAUSE OF ACTION**

9 **NEGLIGENCE**

10 **[AS TO DEFENDANTS CITY OF LOS ANGELES AND**  
 11 **SUPERVISING OFFICER DEFENDANTS]**

12 109. PLAINTIFF repeats, realleges and incorporates each and every allegation of each  
 13 and every paragraph in above as though fully set forth herein.

14 110. Plaintiff invokes the supplemental jurisdiction of this Court to hear and determine  
 15 this claim.

16 111. On the date of PLAINTIFF's arrest, and thereafter, POLICE OFFICER  
 17 DEFENDANTS were duty-bound by Penal Code Section 118.1 not to author,  
 18 accept or otherwise present, or ratify false or misleading police reports and are  
 19 duty-bound by the Fourteenth Amendment of the U.S. Constitution to ensure Due  
 20 Process.

21 112. PLAINTIFF is informed and believes and thereon alleges that on, about or after  
 22 the date of PLAINTIFF's arrest as indicated above, and thereafter, defendants  
 23 DOES 6 through 10, inclusive, did negligently, and in the absence of due care, did  
 24 approve the police reports of POLICE OFFICER DEFENDANTS and thereby did  
 25 negligently and carelessly ratify the wrongful and unlawful arrest of PLAINTIFF  
 26 by said defendants and thereby also authorized the bringing of charges against  
 27 PLAINTIFF as well as his prosecution, conviction and imprisonment.

- 1 113. Defendants PARKS, and DOES 6 through 10, inclusive, were aware of the custom  
2 and practice of POLICE OFFICER DEFENDANTS of making arrests without  
3 probable cause, the planting and falsification of evidence, the authoring of false  
4 and misleading police reports, the use of excessive force by POLICE OFFICER  
5 DEFENDANTS and the giving of false and perjurious testimony.
- 6 114. Notwithstanding this knowledge, and in the absence of due care, SUPERVISING  
7 OFFICER DEFENDANTS authorized the false police reports without questioning  
8 POLICE OFFICER DEFENDANTS as to the contents of the report and without  
9 further investigating the veracity of the statements contained therein. Defendants  
10 PARKS and DOES 6 through 10, inclusive, knew or should have known that said  
11 report was false and misleading and that the supporting evidence was false, but  
12 failed to take any reasonable measures to reject the reports and to ensure that said  
13 reports were not forwarded to the District Attorney's office for prosecution.
- 14 115. Defendants CITY OF LOS ANGELES, and SUPERVISING OFFICER  
15 DEFENDANTS are directly liable and responsible for the acts of POLICE  
16 OFFICER DEFENDANTS because SUPERVISING OFFICER DEFENDANTS  
17 failed to adequately supervise, discipline or in any other way control said  
18 defendants' exercise of their authority as described herein.
- 19 116. Defendants CITY OF LOS ANGELES and SUPERVISING OFFICER  
20 DEFENDANTS are directly liable and responsible for the acts of POLICE  
21 OFFICER DEFENDANTS because said defendant city and supervising officers  
22 repeatedly and knowingly and negligently failed to enforce the laws of the State of  
23 California and the regulations of said defendant City and its police department  
24 regarding the making of arrests in compliance with the Fourth Amendment, the  
25 authoring of police reports which accurately and truthfully represent the facts of an  
26 incident, and the planting of evidence, and the giving of perjurious testimony,  
27 thereby creating within the said police department an atmosphere of lawlessness in  
28



1 which LAPD officers would make false arrests, plant and manufacture evidence,  
2 author false reports, use excessive force, and give perjurious testimony, in the  
3 belief that such acts will be condoned and justified by their supervisors, and said  
4 defendant city and supervisors therefore were or should have been aware of such  
5 unlawful acts and practices prior to and at the time of the events alleged herein.

6 117. As the actual and proximate result of the acts and omissions of said defendants as  
7 described herein, PLAINTIFF was made to lose his freedom and liberty for the  
8 period stated above in violation of the Fourteenth Amendment's procedural and  
9 substantive due process guarantees. During said incarceration PLAINTIFF  
10 suffered personal and bodily injuries, and during said time he suffered, and  
11 continues to suffer, severe emotional and psychological pain, suffering, anxiety,  
12 depression, anguish, shock, and fear. Further, PLAINTIFF has been made to hire  
13 medical specialists for treatment and therapy for his injuries. As further  
14 proximately resulting from said defendants' misconduct, PLAINTIFF has  
15 experienced a significant loss of wages and a significant loss of his ability to  
16 obtain and maintain gainful employment.

17 118. Defendants CITY OF LOS ANGELES and SUPERVISING OFFICER  
18 DEFENDANTS inclusive, also were negligent in failing to provide POLICE  
19 OFFICER DEFENDANTS the proper and special training necessary for the duties  
20 they could foreseeably be expected to perform in the course of their employment in  
21 that POLICE OFFICER DEFENDANTS received inadequate training in the  
22 correct and proper police tactics, arrest procedures, Fourth Amendment search and  
23 seizure requirements and report writing. As a direct and proximate result of this  
24 failure to provide adequate training to, the false arrest, charges and imprisonment  
25 of PLAINTIFF occurred, causing said plaintiff the losses and injuries herein  
26 complained of.

27 119. Defendants CITY OF LOS ANGELES and SUPERVISING OFFICER  
28

1 DEFENDANTS also negligently hired and retained POLICE OFFICER  
2 DEFENDANTS when it was known or should have been known by defendants  
3 CITY OF LOS ANGELES and SUPERVISING OFFICER DEFENDANTS that  
4 these officers had on prior occasions falsely accused suspects of committing  
5 crimes, planted evidence on said suspects, authored and submitted false reports  
6 regarding said suspects, used excessive force on members of the community,  
7 and/or had participated in the concealment and cover-up of such police  
8 misconduct.

9 120. Further, said defendants failed to conduct adequate, thorough and meaningful  
10 background investigations of POLICE OFFICER DEFENDANTS which would  
11 have disclosed prior acts of misconduct and criminal activity and which would  
12 have revealed that said defendants were not suitable candidates for service as  
13 police officers.

14 121. As the actual and proximate result of the acts and omissions of said defendants as  
15 described herein, PLAINTIFF was made to lose his freedom and liberty for the  
16 period stated above in violation of the Fourteenth Amendment's procedural and  
17 substantive due process guarantees. During said incarceration PLAINTIFF  
18 suffered personal and bodily injuries, and during said time he suffered, and  
19 continues to suffer, severe emotional and psychological pain, suffering, anxiety,  
20 depression, anguish, shock, and fear. Further, PLAINTIFF has been made to hire  
21 medical specialists for treatment and therapy for his injuries. As further  
22 proximately resulting from said defendants' misconduct, PLAINTIFF has  
23 experienced a significant loss of wages and a significant loss of his ability to  
24 obtain and maintain gainful employment.

25 122. Defendant CITY OF LOS ANGELES is liable in respondeat superior pursuant to  
26 section 815.2 of the California Government Code for the acts of its employees,  
27 agents and representatives as alleged in this cause of action.



**XII.**

**NINTH COUNT/CAUSE OF ACTION**

**FALSE IMPRISONMENT**

**[AS TO DEFENDANT CITY OF LOS ANGELES AND  
POLICE OFFICER DEFENDANTS, Individually and as  
Employees of defendant City of Los Angeles]**

123. PLAINTIFF repeats, realleges and incorporates each and every allegation of each and every paragraph above as though fully set forth herein.

124. Plaintiff invokes the supplemental jurisdiction of this Court to hear and determine this claim.

125. The tortious and intentional acts of POLICE OFFICER DEFENDANTS above caused plaintiff to be wrongfully and unjustly imprisoned for the period indicated above.

126. As the actual and proximate result of the acts and omissions of said defendants as described herein, PLAINTIFF was made to lose his freedom and liberty for the period stated above in violation of the Fourteenth Amendment's procedural and substantive due process guarantees. During said incarceration PLAINTIFF suffered personal and bodily injuries, and during said time he suffered, and continues to suffer, severe emotional and psychological pain, suffering, anxiety, depression, anguish, shock, and fear. Further, PLAINTIFF has been made to hire medical specialists for treatment and therapy for his injuries. As further proximately resulting from said defendants' misconduct, PLAINTIFF has experienced a significant loss of wages and a significant loss of his ability to obtain and maintain gainful employment.

127. The aforementioned acts of said defendants was willful, wanton, malicious and oppressive, and knowingly done for the purpose of wrongfully imprisoning plaintiff, thereby justifying the awarding of exemplary and punitive damages as to

1 these defendants.

2 128. Defendant CITY OF LOS ANGELES is liable in respondeat superior pursuant to  
3 section 815.2 of the California Government Code for the acts of its employees,  
4 agents and representatives as alleged in this cause of action.

5  
6 **XIII.**

7 **PRAYER**

8 **WHEREFORE, PLAINTIFF RAMIRO PADILLA** demands the following  
9 relief, jointly and severally, against the defendants named in each cause of action as  
10 follows:

- 11 a) Compensatory general and special damages in an amount in accordance  
12 with proof;
- 13 b) Exemplary damages, against each of the police officer, supervisory and  
14 policy maker defendants - as spelled out in each cause of action, in an  
15 amount sufficient to deter and to make an example of those defendants,
- 16 c) Reasonable attorneys' fees and expenses of litigation as provided for in 42  
17 U.S.C. §1988;
- 18 d) Costs of suit necessarily incurred herein;
- 19 e) Prejudgment interest, and
- 20 f) Such further relief as the Court deems just or proper.

21 Dated: July 10, 2002

22 MORENO, BECERRA, GUERRERO & CASILLAS

23 By:

24 GREGORY W. MORENO  
25 ARNOLDO CASILLAS  
26 Attorneys for PLAINTIFF  
27 RAMIRO PADILLA  
28



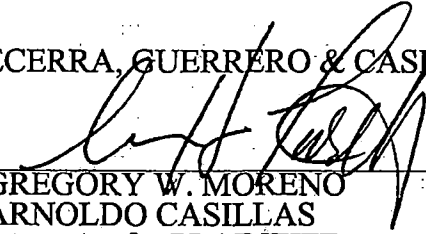
**DEMAND FOR JURY TRIAL**

**COMES NOW PLAINTIFF RAMIRO PADILLA** and respectfully demands  
that the present matter be set for a jury trail.

Dated: July 10, 2002

**MORENO, BECERRA, GUERRERO & CASILLAS**

By:

  
\_\_\_\_\_  
GREGORY W. MORENO  
ARNOLDO CASILLAS  
Attorneys for PLAINTIFF  
RAMIRO PADILLA

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(Ex), **CLOSED**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)  
CIVIL DOCKET FOR CASE #: 2:02-cv-05631-PA-EX**

Ramiro Padilla v. Los Angeles City of, et al  
Assigned to: Judge Percy Anderson  
Referred to: Discovery Charles F. Eick  
Demand: \$5,000,000  
Cause: 42:1983 Civil Rights Act

Date Filed: 07/17/2002  
Date Terminated: 02/27/2003  
Jury Demand: Both  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Ramiro Padilla**

represented by **Arnoldo Casillas**  
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V.

**Defendant**

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**Defendant**

**David Vinton**

represented by **Jeffrey W Korn**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Karen D Brown-Carr**  
 (See above for address)  
*TERMINATED: 10/28/2002*  
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*ATTORNEY TO BE NOTICED*

**Defendant**

**Nathan Butcher**

represented by **Jeffrey W Korn**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Karen D Brown-Carr**  
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**Defendant**

**Bernard Parks**

**Defendant**

**Doe Defendants**

*1 through 10, inclusive*

Date Filed	#	Docket Text
07/17/2002	1	COMPLAINT filed Summons(es) Issued referred to Discovery Charles F. Eick; Jury

		Demand (pc) (Entered: 07/19/2002)
07/17/2002	2	CERTIFICATE OF INTERESTED PARTIES filed by plaintiff Ramiro Padilla (pc) (Entered: 07/19/2002)
07/17/2002	4	NOTICE by plaintiff Ramiro Padilla of related case(s) CV 99-11629 GAF (AJWx) & Other related groups. (kc) (Entered: 07/24/2002)
07/19/2002	<a href="#">3</a>	STANDING ORDER by Judge Percy Anderson (lc) (Entered: 07/22/2002)
07/29/2002	<a href="#">5</a>	ORDER RE TRANSFER PURSUANT TO GENERAL ORDER 224 (Related Case) filed. [ Related Case no.: CV 99-11629 GAF (AJWx)] Transfer of case declined for the reasons set forth on order by Judge Gary A. Feess (cc: all counsel) (rn) (Entered: 07/29/2002)
09/09/2002	6	ANSWER filed by defendant City of Los Angeles to complaint [1-1]; jury demand (ir) (Entered: 09/10/2002)
09/09/2002	7	CERTIFICATION OF INTERESTED PARTIES filed by defendant City of Los Angeles (ir) (Entered: 09/10/2002)
09/18/2002	8	STIPULATION filed to extend time to answer complaint [1-1] to 9/19/02 as to defendant Nathan Butcher (lc) (Entered: 09/19/2002)
09/19/2002	9	ANSWER filed by defendant Nathan Butcher, defendant Los Angeles City of to complaint [1-1]; jury demand (jag) (Entered: 09/20/2002)
09/19/2002	10	CERTIFICATION OF INTERESTED PARTIES filed by defendant Los Angeles City of, defendant Nathan Butcher (jag) (Entered: 09/20/2002)
09/20/2002	<a href="#">11</a>	ORDER by Judge Percy Anderson re sched mtg of cnsl FRCP 16,26(f); cnsl shal meet at least 21 days in adv of sched conf, prep jointly signed rpt to be sum NLT 14 days bef conf; mandatory status/scheduling conf set for 10:30 11/25/02 (lc) (Entered: 09/23/2002)
10/02/2002	12	PROOF OF SERVICE executed upon defendant Nathan Butcher ; Service by CCP on 8/20/02 via personal svc by serving S/C to Officer Andy Buesa, auth to ac (lc) (Entered: 10/03/2002)
10/02/2002	13	PROOF OF SERVICE executed upon defendant Los Angeles City of ; Service by FRCP on 8/20/02 via personal svc by serving S/C to Maria Rico, deputy city clerk on behalf of city of LA (lc) (Entered: 10/03/2002)
10/04/2002	14	CERTIFICATION OF INTERESTED PARTIES filed by dft City of Los Angeles, Nathan Butcher, David Vinton (nhac) (Entered: 10/07/2002)
10/04/2002	15	ANSWER filed by defendant David Vinton to complaint [1-1]; jury demand (nhac) (Entered: 10/07/2002)
10/28/2002	16	NOTICE OF INTRA-OFFICE Change of Attorney by dfts City of Los Angeles, David Vinton, Nathan Butcher; Jeffrey W. Korn, Deputy City Attorney is the new attorney assigned to this case instead of attorney Karen D Carr. (nhac) Modified on 10/29/2002 (Entered: 10/29/2002)
10/30/2002	17	PROOF OF SERVICE executed upon defendant Bernard Parks ; Service by CCP on 9/24/02 via subst svc by serving S/C to Sarah Yao, auth to accept (lc) (Entered: 10/31/2002)
10/30/2002	18	PROOF OF SERVICE executed upon defendant David Vinton ; Service by CCP on 9/24/02 via personal svc by serving S/C (lc) (Entered: 10/31/2002)
11/21/2002	<a href="#">19</a>	MINUTES: IN CHAMBERS-COURT ORDER; Scheduling conf set for 11/25/02 is continued to 10:30 12/16/02 ; Plf is ordered to show cause in writing no later than 12/9/02



		why this action should not be dismissed for lack of prosecution ; Response to OSC due no later than 12/9/02 ; No oral argument will be heard unless ordered by this Court; Filing of a Joint Scheduling Report conforming to the Local Rules on or before 12/9/02 will be deemed an adequate response to the Order to show cause; In addition parties are also ordered to show cause at the scheduling conference why sanctions should not be imposed pursuant to Local Rule 83-7 IT IS SO ORDERED by Judge Percy Anderson CR: None Present (ir) (Entered: 11/25/2002)
12/05/2002	20	JOINT RULE 26 DISCOVERY PLAN filed; est length of trial 8 days/4 weeks (lc) (Entered: 12/05/2002)
12/16/2002	<a href="#">23</a>	MINUTES: mandatory status/scheduling conference held ; discovery ddl set on 6/2/03; Final Pretrial Conference set for 7/18/03; jury trial set on 8/12/03 ; file final trial exhibit stipulation 8/7/03; hearing on motions in limine, on disputed jury instructions 8/4/03; motions in limine and proposed voir dire questions and agreed to statement of case be filed 7/18/03; lodge pretrial conference order and pretrial exhibit stipulation, file contentions of fact & law, exhibit & witness lists; status report re settlement, agreed set of instructions and verdict forms, joint statement re disputed instructions, verdicts 7/3/03; last date to conduct settlement conference 6/16/03; last day for hearing motions 6/9/03; last date to amend pleadings or add parties 3/16/03; Court accepts parties settlement selection #1 to apr before Discovery Charles F. Eick for sttlmnt procdgs ; counse to notify Magistrate Judge Eick of Courts referral and presumptive schedule by Judge Percy Anderson CR: Hope Goldsmith (lc) (Entered: 12/18/2002)
12/16/2002	<a href="#">26</a>	ORDER by Discovery Charles F. Eick settlement conference 3:00 2/7/03 ; settlement conference statement of each party be submitted directly to chambers no later than 1/31/03, not exceeding 5 pages and not to be made part of case file (lc) (Entered: 12/19/2002)
12/17/2002	<a href="#">21</a>	STANDING ORDER by Judge Percy Anderson (lc) (Entered: 12/18/2002)
12/17/2002	<a href="#">22</a>	STANDING ORDER by Judge Percy Anderson (lc) (Entered: 12/18/2002)
12/17/2002	<a href="#">24</a>	SCHEDULING ORDER by Judge Percy Anderson: discovery cuotff 6/2/03; motion filing ddl set on 6/9/03; Final Pretrial Conference set for 1:30 7/18/03; jury trial set on 9:00 8/12/03 (lc) (Entered: 12/18/2002)
12/17/2002	<a href="#">25</a>	NOTICE AND REQUEST Of Settlement Procedure Selection #1 fld Parties request to apr before Discovery Charles F. Eick for sttlmnt procdgs Order by Judge Percy Anderson granting settlement procedure selection request [25-1] (lc) (Entered: 12/18/2002)
02/06/2003	<a href="#">27</a>	STIPULATION and ORDER by Discovery Charles F. Eick Settlement conference rescheduled to 3:00 2/25/03 (ir) (Entered: 02/10/2003)
02/06/2003	28	NOTICE OF MOTION AND MOTION by plaintiff Ramiro Padilla for reconsideration re Notice of Related Actions re "Rampart Cases" ; motion hearing set for 1:30 3/10/03; memorandum of Points & Authorities; Declaration of Frank J Perez; Exhibits in support thereof; Lodged Proposed Order (ir) (Entered: 02/10/2003)
02/07/2003	29	REQUEST filed by plaintiff Ramiro Padilla for entry of default by Clerk as to Bernard Parks (ir) (Entered: 02/11/2003)
02/11/2003	<a href="#">30</a>	DEFAULT BY CLERK ENTERED as to defendant Bernard Parks (ir) (Entered: 02/11/2003)
02/25/2003	<a href="#">31</a>	STIPULATION and ORDER by Judge Percy Anderson allowing Plf to file & serve his 1st Amended complaint 7 days after the Court's order allowing same ; Dfts shall have 20 days after service to answer or otherwise respond to said 1st Amended complaint (ir) (Entered: 02/26/2003)

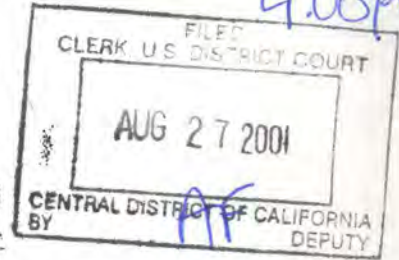
02/25/2003	<a href="#">32</a>	STIPULATION and ORDER by Judge Percy Anderson Request for entry of default as to Bernard Parks [30-1] shall be set aside immediately; Dft Bernard Parks & all other named dfts will file an Answer to Plf's 1st Amended complaint within 10 days of the Court's Order allowing Plf's 1st Amended complaint; This stipulation may be executed in counterparts & that a signature transmitted via facsimile will be deemed to be the same as an original (ir) (Entered: 02/26/2003)
02/26/2003	<a href="#">34</a>	MINUTES: SETTLEMENT CONFERENCE ; Case called; Counsel make their appearances; Courts hears discussion; Settlement is reached by Discovery Charles F. Eick CR: Tape #03-7 (ir) (Entered: 02/28/2003)
02/27/2003	<a href="#">33</a>	ORDER of Dismissal by Judge Percy Anderson; Court having been advised by counsel that action has been settled; Action is hereby dismissed without costs & without prejudice to the right, upon good cause within forty-five (45) ays to reopen the action if settlement is not consummated; This Court retains full jurisdiction over this action for the forty-five day period & this Order shall not prejudice any patrty to this action terminating case (MD JS-6) (ir) (Entered: 02/28/2003)
07/18/2003	<a href="#">35</a>	STIPULATION and ORDER by Judge Percy Anderson action be and hereby is dismissed with prejudice against defendants City of Los Angeles and all of its departments, commissioner, boards, bureaus, officicals, officers, agents and employees whether named or unnamed, served or unserved ; Each side to bear their own costs; This stipulation may be executed in counterparts and that a signature transmitted via facsimile will be deemed to be the same as an original (ir) (Entered: 07/18/2003)

PACER Service Center			
Transaction Receipt			
06/10/2022 14:23:06			
<b>PACER Login:</b>	fpdcac0087	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:02-cv-05631-PA-EX End date: 6/10/2022
<b>Billable Pages:</b>	4	<b>Cost:</b>	0.40
<b>Exempt flag:</b>	Exempt	<b>Exempt reason:</b>	Always



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Attorneys for Plaintiff  
 KELLY CARRINGTON



UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

MMM  
 WEX

KELLY CARRINGTON,  
 Plaintiff,  
 v.

CASE NO: 01-07432

COMPLAINT FOR DAMAGES:

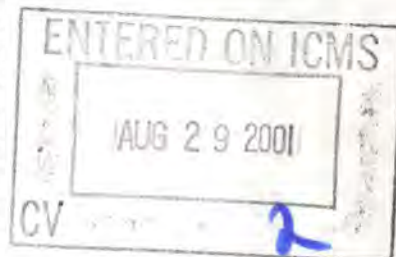
CIVIL RIGHTS VIOLATIONS  
 PURSUANT TO 42 U.S.C. §§  
 1983; NEGLIGENCE,  
 MALICIOUS PROSECUTION,  
 FALSE IMPRISONMENT

[REQUEST FOR JURY TRIAL]

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 1/5  
 SP20

CITY OF LOS ANGELES, LOS ANGELES  
 POLICE OFFICER JEFFERY ROBB (#33804);  
 LOS ANGELES POLICE OFFICER DAVE  
 VINTON (#31805); SGT. JULIAN  
 MELENDEZ (#26488); NAME UNKNOWN  
 SUPERVISING OFFICER (#24082);  
 RAMPART DIVISION CAPTAIN ROBERT B.  
 HANSOHN; BERNARD PARKS, WILLIAM  
 WILLIAMS, GERALD L. CHALEFF, DEAN  
 HANSELL, EDITH R. PEREZ, T. WARREN  
 JACKSON, ART MADDOX, ROBERT  
 TALCOTT, STEVEN GAVIN, MAXWELL  
 GREENBERG, BARBARA LINDEMANN  
 SCHLEI, ROBERT WEIL, REVA B.  
 TOOLEY, STEVEN YSLAS, HERBERT F.  
 BOECKMANN, JAMES HAHN, RICHARD  
 ALARCON, RICHARD ALATORRE, HAL  
 BERNSON, MARVIN BRAUDE, LAURA  
 CHICK, MICHAEL FEUER, RUTH  
 GALANTER, MICHAEL HERNANDEZ,  
 NATE HOLDEN, CINDY MISCIKOWSKI,  
 MARK RIDLEY-TOMAS, RUDY  
 SVORENICH, JOEL WACHS, JACKIE  
 GOLDBERG, RITA WALTERS, AND DOE  
 DEFENDANTS 1 THROUGH 10,  
 INCLUSIVE,

Defendants.





**COMPLAINT**

**COME NOW PLAINTIFF KELLY CARRINGTON, and allege as follows:**

**I.**

**VENUE AND JURISDICTION**

1. This action is brought pursuant 42 U.S.C. §§ 1983, and the Fourth and Fourteenth Amendments of the United States Constitution. Jurisdiction is founded on 29 U.S.C. §§1331 and 1343(1), (2), (3) and (4), and the aforementioned statutory and Constitutional provisions.
2. Venue is proper in the Central District of California. The injury occurred in the City of Los Angeles, California.

**II.**

**PARTIES**

3. At all times relevant hereto, Plaintiff KELLY CARRINGTON was a resident of the County of Los Angeles, California. Said plaintiffs are African-American.
4. At all times mentioned herein, defendant CITY OF LOS ANGELES was a public entity duly organized and existing under and by virtue of the laws of the state of California.
5. At all times relevant herein, defendants ROBB, VINTON, and DOES 1 through 5, (hereafter "POLICE OFFICER DEFENDANTS") were residents of the County of Los Angeles, and were police officers, sergeants, detectives, and/or civilian employees, agents and representatives of the City of Los Angeles Police Department and employees, agents and representatives of the City of Los Angeles. At all times relevant hereto, said defendants were acting within the course and scope of their employment as officers, sergeants, captains and chiefs of police, policy makers, and/or civilian employees of the Los Angeles Police Department, a department and subdivision of defendant City of Los Angeles. At all times relevant herein, said defendants were acting under color of law, to wit, under the



1 color of the statutes, ordinances, regulations, policies, customs, practices and  
2 usages of defendant CITY OF LOS ANGELES, its police department and/or the  
3 State of California.

4 6. At all times relevant herein, defendants SGT. JULIAN MELENDEZ (#26488);  
5 NAME UNKNOWN SUPERVISING OFFICER (#24082); RAMPART  
6 DIVISION CAPTAIN ROBERT B. HANSOHN, BERNARD PARKS, WILLIAM  
7 WILLIAMS, and DOES 6 through 10, (hereafter "SUPERVISING OFFICER  
8 DEFENDANTS") were residents of the County of Los Angeles, and were police  
9 officers, sergeants, detectives, captains, lieutenants, chiefs of police, and/or  
10 civilian employees, agents and representatives of the City of Los Angeles Police  
11 Department and employees, agents and representatives of the City of Los Angeles.  
12 At all times relevant hereto, said defendants were acting within the course and  
13 scope of their employment as officers, sergeants, captains and chiefs of police,  
14 policy makers, and/or civilian employees of the Los Angeles Police Department, a  
15 department and subdivision of defendant City of Los Angeles. At all times  
16 relevant herein, said defendants were acting under color of law, to wit, under the  
17 color of the statutes, ordinances, regulations, policies, customs, practices and  
18 usages of defendant CITY OF LOS ANGELES, its police department and/or the  
19 State of California.

20 7. At all times relevant herein, defendant JAMES HAHN, was a resident of the  
21 County of Los Angeles, and is and/or was the duly elected and sworn City  
22 Attorney of the City of Los Angeles. At all times relevant hereto, said defendant  
23 was acting within the course and scope of his capacity as City Attorney of the City  
24 of Los Angeles. Said defendant is sued individually and in his capacity City  
25 Attorney of the City of Los Angeles.

26 8. At all times relevant herein defendants GERALD L. CHALEFF, DEAN HANSELL,  
27 EDITH R. PEREZ, T. WARREN JACKSON, ART MADDOX, ROBERT  
28



1 TALCOTT, STEVEN GAVIN, MAXWELL GREENBERG, BARBARA  
2 LINDEMANN SCHLEI, ROBERT WEIL, REVA B. TOOLEY, STEVEN YSLAS,  
3 HERBERT F. BOECKMANN, (hereafter "POLICE COMMISSION  
4 DEFENDANTS") are current members or were members of the City of Los Angeles  
5 Board of Police Commissioners, all of whom are presently in officer are sued both  
6 in their individual and personal capacity and all of whom are presently in office are  
7 sued both in their individual capacity and official capacities, and all of whom are  
8 presently not in office are sued only in their personal capacity. Under the charter of  
9 the City of Los Angeles, the Board of Police Commissioners is the head of the Los  
10 Angeles Police Department, setting overall policy while the chief of police manages  
11 the daily operations of the department and implements the Board's policies or policy  
12 direction and goals.

- 13 9. At all times relevant herein, defendants RICHARD ALARCON, RICHARD  
14 ALATORRE, HAL BERNSON, MARVIN BRAUDE, LAURA CHICK, MICHAEL  
15 FEUER, RUTH GALANTER, MICHAEL HERNANDEZ, NATE HOLDEN, CINDY  
16 MISCIKOWSKI, MARK RIDLEY-TOMAS, RUDY SVORENICH, JOEL WACHS,  
17 JACKIE GOLDBERG, RITA WALTERS (hereafter "CITY COUNCIL  
18 DEFENDANTS") were residents of the County of Los Angeles, and are and/or were  
19 duly elected and sworn members of the Los Angeles City Council, and/or Mayor of  
20 the City of Los Angeles, and supervisors, policy makers, agents and representatives  
21 of the City of Los Angeles empowered with the actual, informal and formal authority  
22 to make, change, adopt, and implement policies, practices, rules and procedures for  
23 the City of Los Angeles and the City of Los Angeles Police Department, or to appoint  
24 such persons who have the authority to make, change, adopt, and implement policies,  
25 practices, rules and procedures for the City of Los Angeles and the City of Los  
26 Angeles Police Department. At all times relevant hereto, said defendants were acting  
27 within the course and scope of their capacity as members of the City Council and/or  
28



1 Mayor of the City of Los Angeles. Said defendants who are presently serving on the  
2 City Council and/or are presently serving as Mayor, are sued individually and in their  
3 capacity as members of the City Council and/or Mayor of the City of Los Angeles,  
4 and those of the above named defendants who are no longer serving on the City  
5 Council are sued in their individual capacity only.

6 10. PLAINTIFF is ignorant of the true names and capacities of defendants sued  
7 herein as DOE defendants 1 through 10, inclusive, and therefore sues these  
8 defendants by such fictitious names. PLAINTIFF will amend this complaint to allege  
9 their true names and capacities when ascertained. PLAINTIFF is informed and  
10 believes and thereon alleges that each of the fictitiously named defendants is  
11 responsible in some manner for the occurrences herein alleged, and that  
12 PLAINTIFF's injuries as herein alleged were proximately caused by the acts and/or  
13 omissions of said fictitiously named defendants.

14 11. At all times relevant herein, defendants SGT. JULIAN MELENDEZ (#26488);  
15 NAME UNKNOWN SUPERVISING OFFICER (#24082); RAMPART DIVISION  
16 CAPTAIN ROBERT B. HANSOHN, BERNARD PARKS, WILLIAM  
17 WILLIAMS, and DOE defendants 5 through 10, inclusive, were supervisors and/or  
18 policy makers for the City of Los Angeles Police Department which employed  
19 organized unlawful and illegal customs and practices of excessive force and illegal  
20 searches and seizures, false arrests which lacked probable cause, falsification of  
21 evidence, filing of false police reports in violation of P.C. §118.1, committing perjury  
22 in carrying out their mandate. Said misconduct was encouraged, tolerated and  
23 condoned by defendants BERNARD PARKS, WILLIAM WILLIAMS, and DOE  
24 defendants 5 through 10, inclusive.

25 12. At all times relevant herein, defendants VINTON, ROBB, and DOE defendants 1  
26 through 10, and each of them, were acting within the course and scope of their  
27 employment as police officers and employees of the CITY OF LOS ANGELES,  
28



1 which is liable in respondeat superior for said employees state-law torts pursuant to  
2 section 815.2 of the California Government Code.

3  
4 **III.**

5 **FACTS COMMON TO ALL COUNTS/CAUSES OF ACTION**

- 6 13. On August 3, 2001, a writ of habeas corpus was granted by the Honorable Paul  
7 Fidler, judge of the Superior Court of the State of California for the County of Los  
8 Angeles which unconditionally overturned, expunged and otherwise invalidated  
9 PLAINTIFF KELLY CARRINGTON'S felony conviction of possession of narcotics.
- 10 14. PLAINTIFF was originally arrested by defendants ROBB, VINTON, and DOES 1  
11 through 5, inclusive, on August 28, 1998; said defendants were at all times relevant  
12 hereto Los Angeles police officers assigned to the LAPD's Rampart Division.
- 13 15. PLAINTIFF was lawfully residing in his dwelling when POLICE OFFICER  
14 DEFENDANTS, entered the premises without a warrant, probable cause, consent, or  
15 any other legal justification, and proceeded to plant narcotics on PLAINTIFF for the  
16 purpose of framing him to cause him to illegally and without justification, spend time  
17 in prison.
- 18 16. POLICE OFFICER DEFENDANTS claim to have engaged Mr. Carrington in a  
19 conversation and that during that conversation they noticed a piece of crack cocaine  
20 stuck on PLAINTIFF'S chest, and proceeded to search the room which POLICE  
21 OFFICER DEFENDANTS claim contained narcotic use articles.
- 22 17. POLICE OFFICER DEFENDANTS planted the narcotics and articles in an effort to  
23 secure PLAINTIFF's conviction and imprisonment.
- 24 18. POLICE OFFICER DEFENDANTS then proceeded to, without cause, and in the  
25 absence of any fear for their safety or the safety of others, punch, kick, use blunt-  
26 object force, and otherwise physically brutalize PLAINTIFF as he sat or lay in a  
27 prone and surrendered position;



- 1 19. PLAINTIFF was arrested, and was subsequently pleaded guilty in a court before the  
2 honorable Theresa Sanchez-Gordon, Judge.
- 3 20. After the conviction, PLAINTIFF was sentenced and remanded to the custody of the  
4 State Department of Corrections to serve the sentence for 16 months. Petitioner  
5 served a total of 460 days on this wrongful conviction;
- 6 21. On July 10, 2001, a writ of habeas corpus was filed in the California Superior Court  
7 for the County of Los Angeles challenging the conviction on grounds that the  
8 evidence in Mr. Carrington's case was fabricated and that the officers in the case were  
9 corrupt officers involved in what has commonly become known as the "Rampart  
10 Corruption Scandal;"
- 11 22. By the time PLAINTIFF's conviction had been overturned by writ, he had been  
12 wrongfully imprisoned for a period of approximately 460 days.
- 13 23. PLAINTIFF continues to suffer from the injuries proximately caused by his  
14 wrongful, false and malicious arrest, detention, prosecution, conviction, excessive use  
15 of force, and imprisonment by way of continuous pain, shock, fear, apprehension,  
16 nervousness, anxiety, and depression. Further, while in prison, PLAINTIFF recieved  
17 personal injuries from which he continues to suffer from.
- 18 24. As provided in Heck v. Humphrey, 512 U.S. 477, 486-487, 117 S. Ct. 2354 (1994)  
19 and Cabrera v. City of Huntington Park, 159 F.3d 374 (9<sup>th</sup> Cir, 1998), PLAINTIFF's  
20 claims for false arrest, malicious prosecution and false imprisonment did not accrue  
21 until his conviction was overturned on the above indicated date.
- 22 25. With respect to the state law claims that are presented herein, the present plaintiffs  
23 have timely filed tort claim with the City of Los Angeles and PLAINTIFF will amend  
24 the pleadings to reflect their anticipated rejection upon that occurrence.
- 25 26. Defendant City of Los Angeles is liable in respondeat superior for the state  
26 law claims presented herein pursuant to section 815.2 of the California Government  
27 Code for the acts of its employees named herein who at all times alleged herein was  
28

1 acting in the course and scope of their employment with said public entity.

2  
3 **IV.**

4 **FIRST COUNT/CAUSE OF ACTION**

5 **VIOLATION OF PLAINTIFF'S PROCEDURAL AND**  
6 **SUBSTANTIVE DUE PROCESS RIGHTS THROUGH**  
7 **MALICIOUS PROSECUTION/FALSE IMPRISONMENT**

8 **[As to POLICE OFFICER DEFENDANTS]**

9 27. PLAINTIFF repeats, reallege and incorporates each and every allegation of each  
10 and every paragraph in Sections II and III above as though fully set forth herein.

11 28. This action is brought pursuant to 42 U.S.C. §1983 and the Fourteenth  
12 Amendment of the United States Constitution for violation of PLAINTIFF's  
13 procedural and substantive due process rights and the violation thereof resulting from  
14 the malicious prosecution by the defendants named herein and resulting false  
15 imprisonment.

16 29. As delineated in the above, PLAINTIFF was wrongfully arrested without probable  
17 cause, and was charged and convicted of a felony based upon the false charges,  
18 statements, police reports, evidence and testimony presented by POLICE OFFICER  
19 DEFENDANTS.

20 30. Said defendants, in violation of Penal Code section 118.1 filed materially false  
21 police reports, made materially false statements to investigators and prosecutors that  
22 PLAINTIFF had possessed said controlled substances, and presented falsified  
23 evidence, all for the purpose of having PLAINTIFF wrongfully, unjustly and falsely  
24 charged with crimes, and to ensure that PLAINTIFF would be falsely and wrongfully  
25 prosecuted.

26 31. At no time did said defendants have probable cause to arrest and charge  
27 PLAINTIFF for any crime or to recommend that he be prosecuted. Notwithstanding  
28



1 this, with malice and conscious disregard for his rights to due process, said defendants  
2 presented the above false evidence and recommended that PLAINTIFF be charged  
3 and prosecuted and thereafter meaningfully participated in his prosecution to ensure  
4 his wrongful conviction and wrongful imprisonment.

5 32. As a result of the above-described acts and misconduct, PLAINTIFF was  
6 wrongfully and unjustly convicted of the violations indicated in Section III above, and  
7 thereafter was wrongfully sentenced to state prison.

8 33. As indicated in Section III above, PLAINTIFF's conviction was expunged,  
9 overturned and/or otherwise unconditionally invalidated by court order. As a result  
10 of the misconduct described herein, PLAINTIFF was detained, incarcerated and  
11 imprisoned for the period stated in Section III above.

12 34. As the actual and proximate result of the acts and omissions of said defendants as  
13 described herein, PLAINTIFF was made to lose his freedom and liberty for the period  
14 stated above in Section III, this in violation of the Fourteenth Amendment's  
15 procedural and substantive due process guarantees. During said incarceration  
16 PLAINTIFF suffered personal and bodily injuries, and during said time he suffered,  
17 and continues to suffer, severe emotional and psychological pain, suffering, anxiety,  
18 depression, anguish, shock, and fear. Further, PLAINTIFF has been made to hire  
19 medical specialists for treatment and therapy for his injuries. As further proximately  
20 resulting from said defendants' misconduct, PLAINTIFF has experienced a significant  
21 loss of wages and a significant loss of his ability to obtain and maintain gainful  
22 employment.

23 35. The aforementioned acts of said defendants was willful, wanton, malicious and  
24 oppressive and said misconduct shocks the conscience thereby justifying the awarding  
25 of exemplary and punitive damages as to these defendants.

26 ///

27 ///

## V.

**SECOND COUNT/CAUSE OF ACTION****VIOLATION OF CONSTITUTIONAL RIGHT TO BE FREE FROM  
UNREASONABLE SEARCHES AND SEIZURES****[As to POLICE OFFICER DEFENDANTS]**

36. PLAINTIFF repeats, reallege and incorporates each and every allegation of each and every paragraph in Sections II through IV above as though fully set forth herein.

37. This action is brought pursuant to 42 U.S.C. §1983, and the Fourth Amendment of the United States Constitution.

38. At all times relevant hereto, PLAINTIFF possessed the right, guaranteed by the Fourth Amendment of the United States Constitution, to be free from unreasonable searches, seizures, and uses of force by police officers acting under the color of law.

39. As described in Section III above, POLICE OFFICER DEFENDANTS violated PLAINTIFF's Fourth Amendment rights by unlawfully and unreasonably detaining, handcuffing, arresting, beating, and imprisoning him without reasonable suspicion or probable cause.

40. In doing these things, said defendants acted specifically with the intent to deprive PLAINTIFF of his constitutional rights under the Fourth Amendment to be free from unreasonable seizures.

41. Said defendants subjected PLAINTIFF to the aforementioned deprivations by either actual malice, deliberate indifference or a reckless disregard of his rights under the U.S. Constitution.

42. Said defendants, acted at all times herein knowing full well that the established practices, customs, procedures and policies of the City of Los Angeles Police Department would allow a cover-up and allow the continued violation of the Fourth Amendment of the Constitution of the United States.

////



43. As a direct and proximate result of the aforementioned acts of said defendants, PLAINTIFF suffered the violation of his constitutional rights as described above. As the further actual and proximate result of the acts and omissions of said defendants, as described herein, PLAINTIFF was made to lose his freedom and liberty for the period of time indicated in Section III above, this in violation of the Fourteenth Amendment's due process guarantees. During said incarceration PLAINTIFF suffered personal and bodily injuries, and during said time he suffered, and continues to suffer, severe emotional and psychological pain, suffering, anxiety, depression, anguish, shock, and fear. Further, PLAINTIFF has been made to hire medical specialists for treatment and therapy for his injuries. As further proximately resulting from said defendants' misconduct, PLAINTIFF has experienced a significant loss of wages and a significant loss of his ability to obtain and maintain gainful employment.
44. The aforementioned acts of said defendants were willful, wanton, malicious and oppressive thereby justifying the awarding of exemplary and punitive damages as to said defendants.

## VI.

### THIRD COUNT/CAUSE OF ACTION

#### CONSPIRACY TO VIOLATE PLAINTIFF'S

#### FOURTH AND FOURTEENTH AMENDMENT RIGHTS

#### [As to POLICE OFFICER DEFENDANTS]

45. PLAINTIFF repeats, reallege and incorporates each and every allegation of each and every paragraph in Sections II through V above as though fully set forth herein.
46. This action is brought pursuant to 42 U.S.C. §1983 and the Fourteenth Amendment of the United States Constitution.
47. Beginning on the date of PLAINTIFF's arrest and beating and continuing through the date of PLAINTIFF's conviction, POLICE OFFICER DEFENDANTS planned and acted in concert to violate the Fourth and Fourteenth Amendment Rights of

1 PLAINTIFF and to carry out a malicious and evil plan to falsely and wrongfully arrest  
2 PLAINTIFF and have him wrongfully and illegally prosecuted, convicted and  
3 imprisoned.

4 48. At said time and place, said defendants expressly and impliedly agreed that they  
5 would unlawfully seize, handcuff, detain, falsify evidence against, arrest, convict and  
6 imprison PLAINTIFF, all for the malicious and unlawful purpose of violating  
7 PLAINTIFF's civil rights and of unlawfully inflicting punishment on PLAINTIFF.

8 49. Said defendants along with other co-conspirators purposefully, under color of law,  
9 planned and intended to deny PLAINTIFF the equal protection of the laws and injure  
10 PLAINTIFF in the following respects:

- 11 a. to deny the right to be free from unreasonable arrests not based on probable  
12 cause,
- 13 b. to deny the right not to be deprived of life and liberty without due process of  
14 law,
- 15 c. to deny the right against cruel and unusual punishment.

16 50. By virtue of the foregoing, said defendants and two or more of them, conspired for  
17 the purpose of:

- 18 a. depriving PLAINTIFF of equal protection of the laws and of equal protection  
19 and immunities under the law; and,
- 20 b. preventing and hindering the constituted authorities, including but not limited  
21 to the Los Angeles County District Attorney, the State of California and the  
22 Federal Bureau of Investigation from giving and securing PLAINTIFF's equal  
23 protection of the law and preventing deprivation of liberty and property  
24 without due process of law.

25 51. Said defendants, and each of them, did and caused to be done, an act or acts in  
26 furtherance of the object of the conspiracy, as enumerated above, whereby  
27 PLAINTIFF was deprived of the rights and privileges as set forth above. These acts  
28



1 included the said defendants fraudulently and unlawfully placing evidence upon the  
2 person of PLAINTIFF and falsely and/or falsely claiming that he had possessed said  
3 evidence, authoring and filing false police reports in violation of P.C. §118.1 to  
4 conceal and justify police misconduct, knowingly approving such false reports, giving  
5 false and deliberately misleading and perjurious statements to investigators, giving  
6 false and perjurious testimony in the investigation of the incident and as part of the  
7 related criminal proceedings, and failing to discipline and recommend for prosecution  
8 officers committing such misconduct.

9 52. By virtue of the foregoing, said defendants, and each of them, PLAINTIFF's  
10 procedural and substantive due process rights under the Fourteenth Amendment.

11 53. Notwithstanding the duties owed to PLAINTIFF, and notwithstanding the laws of  
12 the state of California and the rights granted to PLAINTIFF under the U.S.  
13 Constitution, these defendants, and each of them, with deliberate indifference to the  
14 constitutional rights of PLAINTIFF, failed and refused to prevent the wrongs  
15 conspired to be committed against PLAINTIFF, despite their ability and duty to do  
16 so.

17 54. As the actual and proximate result of the acts and omissions of said defendants, as  
18 described herein, PLAINTIFF was made to lose his freedom and liberty for the period  
19 stated above in Section III, this in violation of the Fourteenth Amendment's  
20 procedural and substantive due process guarantees. During said incarceration  
21 PLAINTIFF suffered personal and bodily injuries, and during said time he suffered,  
22 and continues to suffer, severe emotional and psychological pain, suffering, anxiety,  
23 depression, anguish, shock, and fear. Further, PLAINTIFF has been made to hire  
24 medical specialists for treatment and therapy for his injuries. As further proximately  
25 resulting from said defendants' misconduct, PLAINTIFF has experienced a significant  
26 loss of wages and a significant loss of his ability to obtain and maintain gainful  
27 employment.

1 55. The aforementioned acts of said defendants were willful, wanton, malicious and  
2 oppressive thereby justifying the awarding of exemplary and punitive damages as to  
3 said defendants.

4  
5 **VII.**

6 **FOURTH COUNT/CAUSE OF ACTION**

7 **FAILURE TO INTERVENE TO PREVENT CIVIL RIGHTS VIOLATIONS**

8 **[As to POLICE OFFICER DEFENDANTS]**

9 56. PLAINTIFF repeats, realleges and incorporates each and every allegation of each  
10 and every paragraph in II through VI above as though fully set forth herein.

11 57. This action is brought pursuant to 42 U.S.C. §1983, and the Fourteenth  
12 Amendment of the United States Constitution, for violation of PLAINTIFF's  
13 procedural and substantive due process rights.

14 58. At the time and place alleged herein, POLICE OFFICER DEFENDANTS were  
15 present at the immediate scene of the arrest, beating, and booking of PLAINTIFF.

16 59. At said date and location, said defendants were in the position and authority to  
17 lawfully intervene in and prevent the unjustified and unwarranted detention, beating,  
18 search and arrest of PLAINTIFF.

19 60. At said date and location, said defendants had ample and reasonably sufficient  
20 time and opportunity to so intervene and prevent the unlawful detention, beating,  
21 search and arrest of PLAINTIFF, and were compelled to do so as peace officers under  
22 the laws of the State of California and under the Constitution of the United States of  
23 America.

24 61. At said date and location, in deliberate indifference to PLAINTIFF's life, health  
25 and Constitutional rights, said defendants intentionally and with deliberate  
26 indifference to the civil rights of PLAINTIFF, refrained from intervening in said  
27 detention, beating, and arrest.



62. As a result thereof, said defendants unlawfully seized, detained, beat, searched and arrested PLAINTIFF and unlawfully and unjustifiably caused him to be prosecuted and imprisoned in violation of his rights under the Fourth and Fourteenth Amendments of the Constitution of the United States of America.

63. Thereafter, said defendants were in the position and authority to lawfully intervene in and prevent the unjustified and unwarranted prosecution of PLAINTIFF and further failed to intervene to prevent the unlawful and malicious prosecution, conviction and imprisonment of PLAINTIFF. After said conviction, said defendants were in the position and authority to stop the imprisonment of PLAINTIFF by revealing the invalidity of the search which lead to PLAINTIFF's arrest and failed to do so and allowed PLAINTIFF to be wrongfully sentenced and thereafter imprisoned for the period indicated above in Section III.

64. As the actual and proximate result of the acts and omissions of said defendants as described herein, PLAINTIFF suffered personal injuries to his body as a result of the excessive force used upon him, and was made to lose his freedom and liberty for the period stated above in Section III, this in violation of the Fourteenth Amendment's procedural and substantive due process guarantees. During said incarceration PLAINTIFF suffered personal and bodily injuries, and during said time he suffered, and continues to suffer, severe emotional and psychological pain, suffering, anxiety, depression, anguish, shock, and fear. Further, PLAINTIFF has been made to hire medical specialists for treatment and therapy for his injuries. As further proximately resulting from said defendants' misconduct, PLAINTIFF has experienced a significant loss of wages and a significant loss of his ability to obtain and maintain gainful employment.

65. The aforementioned acts of POLICE OFFICER DEFENDANTS were willful, wanton, malicious, oppressive and shocking to the conscience thereby justifying the awarding of exemplary and punitive damages as to said defendants.



**VIII.****FIFTH COUNT/CAUSE OF ACTION****SUPERVISORIAL RESPONSIBILITY FOR VIOLATIONS OF PLAINTIFF'S  
FOURTH AND FOURTEENTH AMENDMENT RIGHTS****[As to Does 6 Through 10, Inclusive]**

66. PLAINTIFF repeats, realleges and incorporates each and every allegation of each and every paragraph in II through VII above as though fully set forth herein.

67. This action is brought pursuant to 42 U.S.C. §1983, for violation of PLAINTIFF's rights under the Fourth and Fourteenth Amendments of the U.S. Constitution.

68. On the date of PLAINTIFF's arrest, defendants DOES 6 through 10, inclusive, learned and became aware of the arrest and unjustified and illegal beating of PLAINTIFF by POLICE OFFICER DEFENDANTS.

69. Thereafter, defendants DOES 6 through 10, inclusive, conducted an investigation of the arrest and illegal beating by personally evaluating the evidence of the incident, by taking statements from the individuals involved.

70. Said defendants were aware of the customs, practices, and propensities of their subordinates - POLICE OFFICER DEFENDANTS - to conduct illegal and wrongful searches, to make false arrests, to employ excessive and unnecessary force, to file false police reports in violation of P.C. §118.1, to falsify evidence and to commit perjury to conceal this misconduct, and to unlawfully and without probable cause or suspicion detain, arrest and imprison persons; including the misconduct alleged in the present complaint. Said defendants tolerated, encouraged and expressly and impliedly condoned this misconduct by consciously ignoring, turning a blind eye to and overlooking and ratifying such misconduct.

71. Since 1990, said defendants were aware of repeated acts of unlawful searches and seizures, the illegal use of excessive force, the preparation and submission of false and misleading police reports, the falsification of evidence and the commission of



1 perjury by POLICE OFFICER DEFENDANTS and of conspiracies amongst said  
2 police officers to conceal said misconduct.

3 72. Notwithstanding this knowledge, said defendants encouraged and facilitated such  
4 conduct and deliberately and leniently overlooked and ratified the misconduct of  
5 POLICE OFFICER DEFENDANTS by failing to discipline said officers,  
6 approving false and misleading police reports authored by said officers, and failing  
7 to recommend the investigation and criminal prosecution of said officers for their  
8 misconduct, and in the present instance failing to supervise and control POLICE  
9 OFFICER DEFENDANTS so as to prevent the misconduct alleged herein and by  
10 failing to train said subordinate officers in the procedures, laws and practices that  
11 would eliminate the risk of the constitutional violations alleged herein.

12 73. By consciously and deliberately overlooking the repeated acts of misconduct and  
13 criminal acts by their subordinate officers, including their subordinates POLICE  
14 OFFICER DEFENDANTS said defendants established a custom and practice of  
15 condoning and ratifying such misconduct and criminal activity, and established a  
16 tolerated pattern of constitutional violations amongst their subordinate officers.  
17 The condoning of misconduct by said defendants was so comprehensive and well-  
18 known that their subordinate officers were emboldened to blatantly violate the  
19 constitutional rights of any persons the subordinate officers came into contact with  
20 while on duty and while off duty to commit crimes such as the theft and sales of  
21 narcotics, the theft of property, false arrests, perjury, assaults and batteries with  
22 impunity.

23 74. Through their conscious disregard for the rights of the persons their subordinates  
24 would come in contact with and through their custom and practice of encouraging,  
25 condoning, tolerating and ratifying constitutional violations and criminal activity  
26 by their subordinates, said defendants were deliberately indifferent to the  
27 constitutional violations being committed by their subordinates, including POLICE  
28



## OFFICER DEFENDANTS.

75. Based on the evaluation of the arrest and the evidence from the incident which underlies this lawsuit, said defendants, as described above, and based on their knowledge of the prior misconduct of the officers involved in the incident, said defendants concluded that the arrest of PLAINTIFF was unjustified, that a conspiracy was in place and continuing between the police officers involved in the incident to conceal the wrongfulness of their conduct, and that discipline and criminal prosecution of the officers was called for. Notwithstanding this information and their conclusions, said defendants ratified, condoned, approved and turned a blind eye to the misconduct of POLICE OFFICER DEFENDANTS failing to discipline said officers and failing to recommend the investigation and criminal prosecution of said officers.

76. Because of their failure to act to prevent the continuing constitutional violations by their subordinates, and because of the establishment of the policies and practices described above as well as their failure to adequately train their subordinates, said defendants are liable for the constitutional violations committed by POLICE OFFICER DEFENDANTS and for the damages suffered by PLAINTIFF as described herein. As the actual and proximate result of the acts and omissions of said defendants, PLAINTIFF was wrongfully and illegally beat, imprisoned and made to lose his freedom and liberty for the duration of the period indicated in section III above, this in violation of the Fourteenth Amendment's due process guarantees.

77. As the actual and proximate result of the acts and omissions of said defendants as described herein, PLAINTIFF suffered personal injuries as a result of an illegal and excessive use of force against his person and was made to lose his freedom and liberty for the period stated above in Section III, this in violation of the Fourteenth Amendment's procedural and substantive due process guarantees.



1 During said incarceration PLAINTIFF suffered personal and bodily injuries, and  
2 during said time he suffered, and continues to suffer, severe emotional and  
3 psychological pain, suffering, anxiety, depression, anguish, shock, and fear.  
4 Further, PLAINTIFF has been made to hire medical specialists for treatment and  
5 therapy for his injuries. As further proximately resulting from said defendants'  
6 misconduct, PLAINTIFF has experienced a significant loss of wages and a  
7 significant loss of his ability to obtain and maintain gainful employment.

8 78. The aforementioned acts of DOES 6 through 10, inclusive were willful, wanton,  
9 malicious and oppressive thereby justifying the awarding of exemplary and  
10 punitive damages as to these defendants.

11 **IX.**

12 **SIXTH COUNT/CAUSE OF ACTION**

13 **MUNICIPAL LIABILITY FOR VIOLATION OF CONSTITUTIONAL RIGHTS**

14 **[As to CITY OF LOS ANGELES]**

15 79. PLAINTIFF repeats, realleges and incorporates each and every allegation of each  
16 and every paragraph in II through VIII above as though fully set forth herein.

17 80. This action is brought pursuant to 42 U.S.C. §1983 for violation of PLAINTIFF's  
18 rights under the Fourth and Fourteenth Amendments.

19 81. On the date of PLAINTIFF's illegal beating and arrest indicated in Section III  
20 above POLICE OFFICER DEFENDANTS, acting within the course and scope of  
21 their duties as peace officers of the City of Los Angeles, deprived PLAINTIFF of  
22 his rights to be free from unreasonable searches and seizures and unlawful arrests  
23 as delineated herein above, and thereafter in violation of PLAINTIFF's due  
24 process rights proceeded to illegally beat PLAINTIFF, falsify evidence, submit  
25 false police reports and offer perjurious testimony so as to ensure that PLAINTIFF  
26 would be wrongfully convicted and sentenced.

27 82. At the time of these constitutional violations by POLICE OFFICER  
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1 DEFENDANTS defendant CITY OF LOS ANGELES had in place, and had  
2 ratified customs and practices which permitted and encouraged their police  
3 officers to unjustifiably, unreasonably and in violation of the Fourth and  
4 Fourteenth Amendments, to unlawfully arrest persons without probable cause, to  
5 commit random and wanton acts of violence against people with no legal  
6 justificatin, plant evidence, falsify police reports and present perjured testimony to  
7 ensure the wrongful conviction of persons of African American ancestry and  
8 members of other minority groups.

9 83. Said customs and practices also called for the City of Los Angeles and its Police  
10 Department not to discipline, prosecute, or objectively and/or independently  
11 investigate or in any way deal with or respond to known incidents and complaints  
12 of unreasonable and illegal searches and beatings, false arrests, falsification of  
13 evidence, the preparation of false police reports to justify such wrongful conduct,  
14 and the giving of false testimony in trial to cover-up and conceal such wrongful  
15 conduct by officers of the Los Angeles Police Department and its Rampart  
16 Division, and for the City of Los Angeles to fail to objectively and/or  
17 independently investigate or in any way deal with or respond to or the related  
18 claims and lawsuits made as a result of such false arrests, illegal uses of force, and  
19 related misconduct.

20 84. Defendant CITY OF LOS ANGELES was aware of and was deliberately  
21 indifferent to a pervasive and widespread pattern and practice with the LAPD of  
22 concealing known instances of unreasonable searches, evidence planting, evidence  
23 tampering, perjury, falsified police reports, witness coercion, excessive force, on-  
24 duty criminal acts and on-duty acts of moral turpitude. This pattern and practice  
25 was identified and documented by the commission appointed by the City of Los  
26 Angeles known as the "Christopher Commission." Said commission issued a  
27 report to the City of Los Angeles describing this pattern and practice as a "Code of  
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1 Silence” and identified it as a cause of continued civil rights violations, and put  
2 said defendant on notice of the existence of such pattern and practice. Said  
3 defendant failed to take any reasonable measures to correct this pattern and  
4 practice and as a result said city and persons have been deliberately indifferent to  
5 the civil rights violations which resulted, including those which are described in  
6 the present claim.

7 85. Said customs and practices called for and led to the refusal of said defendant to  
8 investigate complaints of previous incidents of false and unlawful searches and  
9 arrests, illegal uses of excessive force, the filing of false police reports to conceal  
10 such misconduct, the falsification of evidence and perjury and, instead, officially  
11 claim that such incidents were justified and proper.

12 86. Said customs and practices called for said defendant, by means of inaction and  
13 coverup, to encourage an atmosphere of lawlessness within the police department  
14 and to encourage their police officers to believe that improper arrest and beatings  
15 of residents of the Los Angeles County or persons present therein, including  
16 members of minority groups, the planting of evidence, the submission of false  
17 police reports, and the commission of perjury was permissible and to believe that  
18 unlawful acts of falsification of evidence, excessive use of force, and perjury  
19 would be overlooked without discipline or other official ramifications.

20 87. Said customs and practices of said defendant evidenced a deliberate indifference to  
21 the violations of the constitutional rights of PLAINTIFF. This indifference was  
22 manifested by the failure to change, correct, revoke, or rescind said customs and  
23 practices in light of prior knowledge by said defendant and its subordinate  
24 policymakers of indistinguishably similar incidents of unjustified and unreasonable  
25 and unlawful arrests, illegal and excessive uses of force, falsification of evidence,  
26 evidence tampering, submission of false police reports and perjury.

27 88. Deliberate indifference to the civil rights of minority groups and other victims of  
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1 the LAPD's unreasonable and unlawful searches and arrests, illegal and unjustified  
2 excessive uses of force, falsified evidence, false and misleading police reports and  
3 false and perjurious testimony was also evidenced by said defendant by its  
4 ignoring of the history and pattern of prior civil lawsuits alleging civil rights  
5 violations, similar to those alleged herein, arising from such misconduct and the  
6 related payment of judgments to such individuals.

7 89. Deliberate indifference to the civil rights of minority groups and other victims of  
8 the LAPD's unlawful and unreasonable searches and arrests, illegal and unjustified  
9 excessive uses of force, falsified evidence, false and misleading police reports and  
10 false and perjurious testimony was also evidenced by said defendant by its  
11 ignoring findings of the report by the Christopher Commission which found said  
12 customs and practices to be in place, and found that there existed in the Los  
13 Angeles Police Department an environment and atmosphere which condoned  
14 unjustified and unreasonable police shootings, arrests, falsification of evidence,  
15 evidence tampering, submission of false police reports and perjury.

16 90. Deliberate indifference is also evidenced by an absence of or by maintenance of an  
17 inadequate system of tort claims tracking and by maintaining an inadequate system  
18 of officer discipline and independent and objective investigation by the City of Los  
19 Angeles and its police department which failed to identify and investigate  
20 instances of false and unlawful searches and arrests, illegal and excessive use of  
21 force, falsification of evidence submission of false police reports and perjury.

22 91. Deliberate indifference to the civil rights of minority groups and other victims of  
23 the LAPD's unlawful arrests, illegal and unjustified uses of force, and falsified  
24 evidence was also evidenced by the failure of by said defendant to adequately  
25 train and more closely supervise or retrain officers and/or discipline or recommend  
26 prosecution of those officers who in fact conducted illegal and unreasonable  
27 searches, conducted false and illegal arrests, illegal and unjustified uses of force,  
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1 falsified evidence, tampered with evidence, submitted false and misleading police  
2 reports, and/or committed perjury.

3 92. Other systemic deficiencies of said defendant which indicated, and continue to  
4 indicate, a deliberate indifference to the violations of the civil rights by the officers  
5 of the Los Angeles Police Department include:

- 6 a. preparation of investigative reports designed to vindicate and/or justify false  
7 and unlawful searches and arrests;
- 8 b. preparation of investigative reports which uncritically rely solely on the  
9 word of LAPD officers involved in unlawful arrests or in the planting of  
10 evidence and which systematically fail to credit testimony by non-officer  
11 witnesses;
- 12 c. preparation of investigative reports which omit factual information and  
13 physical evidence which contradicts the accounts of the officers involved;
- 14 d. issuance of public statements exonerating officers involved in such  
15 incidents prior to the completion of investigations of wrongful arrests.
- 16 e. failure to maintain centralized department-wide system for the  
17 tracking and monitoring tort claims and lawsuits alleging illegal  
18 searches, false arrests, planting of evidence, perjury, abuse of  
19 authority, illegal and unjustified uses of excessive force, and race-  
20 based misconduct by individual officers so as to identify those  
21 officers who engage in a pattern of abuse of police authority and  
22 police misconduct.

23 93. Said defendant also maintained a system of grossly inadequate training pertaining  
24 to the lawful making of arrests, police ethics, the law pertaining to searches and  
25 seizures, testifying in trial and perjury, the use of force, the collection of evidence,  
26 and the preparation of police reports.

27 94. Deliberate indifference to the civil rights of minority groups and other victims of  
28

1 the LAPD's false arrests, planting of evidence, illegal and unjustified uses of  
2 excessive force, and perjury was also evidenced by said defendant's failure to  
3 implement an officer discipline system which would conduct meaningful and  
4 independent investigations of citizen complaints of illegal searches, illegal uses of  
5 force, false arrests, falsified evidence, evidence tampering, authoring and filing of  
6 false and misleading police reports, and the presentation of false testimony at trial.

7 95. Deliberate indifference to the civil rights of minority groups and other victims of  
8 the LAPD's illegal searches, unlawful arrests, falsified evidence, false and  
9 misleading police reports and false and perjurious testimony was also evidenced  
10 by said defendant's implementing a practice and custom within the Los Angeles  
11 Police department of permitting officers of the Los Angeles Police department to  
12 engage in unlawful activities while on duty, such as the theft and sale of narcotics  
13 and drugs, theft, assaults, batteries, and other crimes of moral turpitude.

14 96. The foregoing acts, omissions, and systemic deficiencies are customs and practices  
15 of said defendant and such caused, permitted and/or allowed under official  
16 sanction POLICE OFFICER DEFENDANTS to be unaware of, or intentionally  
17 overlook and ignore, the rules and laws governing the laws and requirements for  
18 conducting searches and the probable cause requirements for arrests as well as the  
19 use of force. The foregoing acts, omissions, and systemic deficiencies are customs  
20 and practices of said defendant and such caused, permitted and/or allowed under  
21 official sanction said police officer defendants to believe that searches and arrests  
22 are entirely within the discretion of the officer and that improper and unlawful  
23 searches and arrests, evidence falsification, filing of false and misleading police  
24 reports, and the commission of perjury, as well as the use of excessive force,  
25 would not be objectively, thoroughly and/or properly investigated, all with the  
26 foreseeable result that defendant's officers would make false and unlawful  
27 searches and arrests, and falsify evidence, submit false and misleading police



1 reports, and commit perjury, employ excessive force, and thereby violate the civil  
2 rights of the citizens of this state with whom said officers would come into contact  
3 with.

4 97. As a result of the aforementioned acts, omissions, systematic deficiencies, customs  
5 and practices, POLICE OFFICER DEFENDANTS unlawfully arrested  
6 PLAINTIFF, and developed and implemented a plan to unlawfully search and beat  
7 PLAINTIFF and to falsely accuse him of possessing a controlled substance, and to  
8 secure his prosecution, conviction and imprisonment through the offering of false  
9 and misleading police reports and the presentation of falsified evidence and  
10 perjurious testimony.

11 98. As the actual and proximate result of the acts and omissions of said defendant as  
12 described wherein, PLAINTIFF was made to lose his freedom and liberty for the  
13 period stated above in Section III and was made the victim of POLICE OFFICER  
14 DEFENDANTS' use of excessive force, this in violation of the Fourteenth  
15 Amendment's procedural and substantive due process guarantees. During said  
16 incarceration PLAINTIFF suffered personal and bodily injuries, and during said  
17 time he suffered, and continues to suffer, severe emotional and psychological pain,  
18 suffering, anxiety, depression, anguish, shock, and fear. Further, PLAINTIFF has  
19 been made to hire medical specialists for treatment and therapy for his injuries. As  
20 further proximately resulting from said defendant's acts, omissions, practices, and  
21 customs, PLAINTIFF has experienced a significant loss of wages and a significant  
22 loss of his ability to obtain and maintain gainful employment.

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**X.****SEVENTH COUNT/CAUSE OF ACTION****DELIBERATE INDIFFERENCE TO CIVIL RIGHTS VIOLATIONS**

**[AS TO BERNARD PARKS, WILLIAM WILLIAMS, and  
POLICE COMMISSION DEFENDANTS,  
INDIVIDUALLY]**

99. PLAINTIFF repeats, realleges and incorporates each and every allegation of each and every paragraph in Sections II through IX above as though fully set forth herein.

100. This action is brought pursuant to 42 U.S.C. §1983, for violation of PLAINTIFF's rights under the Fourth and Fourteenth Amendments of the U.S. Constitution.

101. Pursuant to Section 1/001 of the City of Los Angeles Police Department Policies and Procedures Manual (Police Commission Executive Power), POLICE COMMISSION DEFENDANTS as members of the board of police commissioners of the City of Los Angeles Police Department are empowered, authorized and given the duty to "supervise, control, regulate and manage the police department and to make all necessary and desirable rules and regulations therefore."

102. As chiefs of police of the Los Angeles Police Department, and as authorized by the Charter of the City of Los Angeles and Section 201.01 of the City of Los Angeles Police Department Policies and Procedures Manual (Chief of Police), defendants William Williams and Bernard Parks exercised direct supervision over the personnel of the Los Angeles Police Department and were directly responsible for the training and discipline of officers of said department.

103. Said defendants were aware of the practices and customs summarized above, and were aware of the repeated occurrence of the civil rights violations which resulted from said customs and practices as enumerated above. Said defendants were also aware of the lack of training which is identified above, were aware of the repeated



1 occurrence of the civil rights violations which resulted from said lack of training.

2 104. Since January of 1990, said defendants were aware that as a result of said customs,  
3 practices, and lack of training, that persons, such as the present plaintiff, would  
4 suffer the violation of their rights to be free from unreasonable seizures under the  
5 Fourth Amendment and their right to procedural and substantive due process under  
6 the Fourteenth Amendment.

7 105. Notwithstanding this knowledge of the regular occurring constitutional violations,  
8 said defendants knowingly and deliberately failed to act to prevent them. As  
9 supervisors and managers of the Los Angeles Police Department and as the  
10 persons directly responsible for the control and regulation of said police  
11 department, the failure of said defendants to take reasonable measures to prevent  
12 the constitutional violations amounted to reckless and callous indifference to the  
13 rights of those persons who would be the victims of such police misconduct,  
14 including the present plaintiff.

15 106. Notwithstanding this knowledge, said defendants were callous and deliberately  
16 indifferent to the the LAPD's unreasonable and unlawful searches and arrests,  
17 falsified evidence, false and misleading police reports and false and perjurious  
18 testimony as well as the resulting constitutional violations, and said defendants  
19 manifested their deliberate indifference as follows:

- 20 A. By ignoring of the history and pattern of prior civil lawsuits alleging civil  
21 rights violations, similar to those alleged herein, arising from such  
22 misconduct and the related payment of judgments to such individuals;
- 23 B. By its ignoring findings of the report by the Christopher Commission which  
24 found said customs and practices to be in place, and found that there existed  
25 in the Los Angeles Police Department an environment and atmosphere  
26 which condoned unjustified and unreasonable arrests, falsification of

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1 evidence, evidence tampering, submission of false police reports and  
2 perjury;

3 C. by an absence of or by maintenance of an inadequate system of tort  
4 claims tracking and by maintaining an inadequate system of officer  
5 discipline and independent and objective investigation by the City of  
6 Los Angeles and its police department which failed to identify and  
7 investigate instances of false and unlawful searches and arrests,  
8 falsification of evidence, submission of false police reports, uses of  
9 excessive force, and perjury,

10 D. by the failure of by said defendant to adequately train and more  
11 closely supervise or retrain officers and/or discipline or recommend  
12 prosecution of those officers who in fact conducted illegal and  
13 unreasonable searches, conducted false and illegal arrests, falsified  
14 evidence, tampered with evidence, submitted false and misleading  
15 police reports, used excessive force, and/or committed perjury;

16 E. by the failure to implement an officer discipline system which would  
17 conduct meaningful and independent investigations of citizen  
18 complaints of illegal searches, false arrests, falsified evidence,  
19 evidence tampering, authoring and filing of false and misleading  
20 police reports, using excessive force, and the presentation of false  
21 testimony at trial;

22 F. by the acquiescing in the practice and custom within the Los Angeles  
23 Police department of permitting officers of the Los Angeles Police  
24 department to engage in unlawful activities while on duty, such as  
25 the theft and sale of narcotics and drugs, theft, assaults, batteries,  
26 and other crimes of moral turpitude.

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1           G. Other systemic deficiencies which said defendants acquiesced in,  
2           tolerated and ratified, which indicated, and continue to indicate, a  
3           deliberate indifference to the violations of the civil rights by the  
4           officers of the Los Angeles Police Department include those listed  
5           above in paragraph 92.

6 107. Through their conscious inaction, said defendants ratified, acquiesced in and  
7           accepted the pattern of constitutional violations identified in section IX, above,  
8           and said defendants set in motion, ratified, and accepted this series of  
9           constitutional violations, including those of POLICE OFFICER DEFENDANTS as  
10          alleged herein.

11 108. Further, said defendants knowingly refused to terminate the customs and practices  
12          identified above, which he knew would cause the officers of the Los Angeles  
13          Police Department to inflict constitutional injury upon persons such as plaintiff.

14 109. As supervisor and managers of the Los Angeles Police Department, said  
15          defendants are liable in their individual capacity for their own culpable action and  
16          inaction in the training, supervision, or control of their subordinates as set forth in  
17          this cause of action for their acquiescence in the constitutional deprivation which  
18          resulted and for their inaction and deliberate, reckless and callous indifference to  
19          the rights of others.

20 110. The foregoing acts and omissions are customs and practices of said defendant and  
21          such caused, permitted and/or allowed under official sanction POLICE OFFICER  
22          DEFENDANTS to be unaware of, or intentionally overlook and ignore, the rules  
23          and laws governing the laws and requirements for conducting searches and the  
24          probable cause requirements for arrests as well as the constitutional standards for  
25          the use of force. The foregoing acts, omissions, and systemic deficiencies are  
26          customs and practices of said defendant and such caused, permitted and/or allowed  
27          under official sanction said police officer defendants to believe that searches,  
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1 arrests, and uses of force are entirely within the discretion of the officer and that  
2 improper and unlawful searches and arrests, evidence falsification, filing of false  
3 and misleading police reports, the excessive use of force, and the commission of  
4 perjury would not be objectively, thoroughly and/or properly investigated, all with  
5 the foreseeable result that defendant's officers would make false and unlawful  
6 searches and arrests, and falsify evidence, submit false and misleading police  
7 reports, and commit perjury, and use excessive force, and thereby violate the civil  
8 rights of the citizens of this state with whom said officers would come into contact  
9 with.

10 111. As a result of the aforementioned acts and omissions, POLICE OFFICER  
11 DEFENDANTS unlawfully arrested PLAINTIFF, and developed and implemented  
12 a plan to unlawfully beat PLAINTIFF and to falsely accuse him of possessing  
13 controlled substances to secure his prosecution, conviction and imprisonment  
14 through the offering of false and misleading police reports and the presentation of  
15 falsified evidence and perjurious testimony.

16 112. As the actual and proximate result of the acts and omissions of said defendant as  
17 described wherein, PLAINTIFF was made to suffer an unjustified and illegal  
18 beating and to lose his freedom and liberty for the period stated above in Section  
19 III, this in violation of the Fourteenth Amendment's procedural and substantive  
20 due process guarantees. During said incarceration PLAINTIFF suffered personal  
21 and bodily injuries, and during said time he suffered, and continues to suffer,  
22 severe emotional and psychological pain, suffering, anxiety, depression, anguish,  
23 shock, and fear. Further, PLAINTIFF has been made to hire medical specialists  
24 for treatment and therapy for his injuries. As further proximately resulting from  
25 said defendant's acts, omissions, practices, and customs, PLAINTIFF has  
26 experienced a significant loss of wages and a significant loss of his ability to  
27 obtain and maintain gainful employment.



**XI.**

**EIGHTH COUNT/CAUSE OF ACTION**

**RATIFICATION OF CONSTITUTIONAL VIOLATIONS**

**AND CONSPIRACY TO VIOLATE CIVIL RIGHTS**

**[AS TO CITY COUNCIL DEFENDANTS AND JAMES HAHN AND  
DOES 6 THROUGH 10, INCLUSIVE]**

113. PLAINTIFF repeats and realleges each and every allegation of Sections II through X as though fully set forth herein.

114. This action is brought pursuant to 42 U.S.C. §1983 for violation of PLAINTIFF's Fourth and Fourteenth Amendment rights.

115. As alleged herein, POLICE OFFICER DEFENDANTS, acting within the course and scope of their duties as peace officers of the City of Los Angeles, deprived PLAINTIFF of his rights to be free from unreasonable seizures and unlawful arrests.

116. At the time of these constitutional violations by said defendants, the LAPD had in place policies, procedures, customs and practices which permitted and encouraged their police officers to unjustifiably, unreasonably and in violation of the Fourth and Fourteenth Amendments, to unlawfully arrest persons without probable cause, and specifically African Americans, as well as members of other minority groups. Said policies, practices, procedures and customs were the moving force that caused the violation of PLAINTIFF's rights as alleged herein.

117. At the time of the violations of PLAINTIFF's civil rights, CITY COUNCIL DEFENDANTS, and JAMES HAHN had in place, an established and well-settled custom and practice of improperly indemnifying, and of conspiring to indemnify police officers, for punitive damages assessed against those officers by juries in civil rights cases. Said custom and practice was the moving force that caused the violations of PLAINTIFF's civil rights as alleged herein.

1 118. Defendant JAMES HAHN, and CITY COUNCIL DEFENDANTS understood and  
2 agreed among themselves to subvert the requirements of section 825(b) of the  
3 California Government Code by always seeing to it that punitive damages awarded  
4 by juries against LAPD officers for civil rights violations would be paid by the  
5 City of Los Angeles, and not by the police officers, and that the way in which that  
6 would be accomplished would be defendant JAMES HAHN, individually and  
7 through his subordinates, who represented officers of the Los Angeles Police  
8 Department against whom punitive damages had been awarded would recommend  
9 for said officer clients to their other clients, the mayor and council members of the  
10 City of Los Angeles, that the City pay those punitive damages. The council  
11 members would rely on the information and advice, not necessarily legal advice,  
12 of defendant JAMES HAHN, and pay the punitive damages, notwithstanding the  
13 readily apparent and real conflict of interests of the City Attorney's office; said  
14 conflict consisting of the city attorney and his subordinates having an ethical duty  
15 to his or her police officer clients to recommend payment by the City to the City  
16 Council, and at the same time having a duty to the City client to make a  
17 recommendation in the City's best interest (which might not necessarily be to pay  
18 said punitive damages); and then if challenged, the City Council members and the  
19 City would claim reliance on advice of legal counsel - including that of defendant  
20 JAMES HAHN, and his subordinates, and legal counsel would claim that they  
21 were immune for having given legal advice to the City Council and the City  
22 because their advice did not need to be followed. The result of the conspiracy,  
23 with respect to which the overt acts consisted of actual doing what is alleged  
24 herein was understood, is a custom of use of Fourth and Fourteenth Amendment  
25 violations of the kind specifically alleged herein to have been suffered by  
26 PLAINTIFF at the hands of the identified LAPD officers in the present action.  
27 Said officers acted as alleged herein knowing that no matter how badly and how  
28



1 frequently they violated and violate the Fourth and Fourteenth Amendments, they  
2 will be immunized from any civil penalty. The giving of advice as alleged herein  
3 by defendant JAMES HAHN, and his subordinates, does not constitute legal  
4 advice.

5 119. Defendant JAMES HAHN, and his office and subordinates, insist that the Los  
6 Angeles Police Department officers whom they represent cooperate in the mutual  
7 defense of civil rights actions, and the City and the City Council members insist  
8 that LAPD officers whom JAMES HAHN, and his office and subordinates, do not  
9 represent and for whom outside council employed cooperate in the defense of civil  
10 rights actions, in inappropriate ways, such as, but not limited to: when there is  
11 more than one police defendant, that all police officers tell the same story and back  
12 up one another's stories, thus fostering and causing, among other things,  
13 subornation of perjury and perjury, advising police officer defendants that, if they  
14 do not "cooperate" in making a defense, or joint defense, that they will be  
15 ineligible for indemnification of punitive damages and/or if punitive damages are  
16 awarded against the police officer, then the City will not indemnify those police  
17 officers for those damages under section 285(b) of the California Government  
18 Code, in an attempt to cause them to make improper defenses including, but not  
19 limited to, committing perjury, providing false information in litigation, and  
20 joining in the "group story" when there is more than one officer defendant;  
21 improperly controlling the defense of actions In which either the City Attorney  
22 or outside counsel represent Los Angeles police officers, by insisting that the City  
23 and the City Attorney's office retain control of the defense of lawsuits without  
24 regard to the truth or falsity of the allegations in the lawsuits; advising police  
25 officers that, if they retain outside counsel to represent them on the issue of  
26 punitive damages, then the City will not pay for the cost of such counsel, and  
27 intimating, threatening and asserting that if such outside counsel is retained, and  
28

1 punitive damages are awarded, then in no event will the City pay any such  
2 damages; and, by making inappropriate "reservations of rights" with respect to  
3 payment of punitive damages when officers do retain outside counsel.

4 120. JAMES HAHN, and his office and subordinates, don not give legal advice with  
5 respect to indemnifications of punitive damages for Los Angeles police officers,  
6 and profess to present "facts" to the City council, and appear before the Council  
7 not as lawyers, but rather as persons who present summaries of facts for  
8 consideration by the council, and as advocates for the officers against whom  
9 punitive damages were awarded.

10 121. CITY COUNCIL DEFENDANTS are fully knowledgeable of and acquainted with  
11 the requirements of section 825(b), and do not need any legal advice in order to  
12 decide, in any specific case, whether or not to indemnify police for punitive  
13 damages.

14 122. The function performed by defendant JAMES HAHN, and his office and  
15 subordinates, when they make their presentations to the City Council that punitive  
16 damages be paid for Los Angeles police officers is a conspiratorial one in which  
17 the attorneys provide cover for the council members, and in which they all  
18 perpetrate a sham, fraud and ruse by which they make impossible for officers to be  
19 held liable for either punitive damages or unconstitutional conduct, thus fostering a  
20 custom and practice of constitutional violations by the police officers. CITY  
21 COUNCIL DEFENDANTS, when ordering or authorizing the payment of punitive  
22 damages, use the defendant JAMES HAHN, his office and subordinates, to  
23 effectuate said sham, fraud and ruse, knowing that the presentations of the "facts"  
24 by the city attorney's office are distortions slanted in favor of the officers against  
25 whom punitive damages were assessed, to permit the council to pay said damages  
26 under the cover of "advice of council".

27 ////



1 123. As a result of the aforementioned acts, omissions, systematic deficiencies, policies,  
2 procedures, customs and practices of defendants CITY OF LOS ANGELES,  
3 JAMES HAHN, and CITY COUNCIL DEFENDANTS, the present police  
4 officers inclusive unlawfully arrested and beat PLAINTIFF, and developed and  
5 implemented a plan to falsely accuse him of possessing controlled substances and  
6 to secure his prosecution, conviction and imprisonment through the offering of  
7 false and misleading police reports and the presentation of falsified evidence and  
8 perjurious testimony.

9 124. As a direct and proximate result of the aforementioned acts alleged in, PLAINTIFF  
10 has been physically, psychologically, and emotionally injured and impaired as  
11 described above and PLAINTIFF also was caused to suffer loss of wages and a  
12 permanent loss of working capacity. As a result of the acts and omissions,  
13 policies, practices, and customs alleged in this cause of action, PLAINTIFF was  
14 also wrongfully and maliciously prosecuted, convicted and imprisoned for a period  
15 the period indicated above.

16 125. The aforementioned acts of defendants JAMES HAHN and CITY COUNCIL  
17 DEFENDANTS was willful, wanton, malicious and oppressive thereby justifying  
18 the awarding of exemplary and punitive damages as to these defendants.

19 **XII.**

20 **NINTH COUNT/CAUSE OF ACTION**

21 **NEGLIGENCE**

22 **[AS TO DEFENDANTS CITY OF LOS ANGELES AND**  
23 **SUPERVISING OFFICER DEFENDANTS]**

24 126. PLAINTIFF repeats, realleges and incorporates each and every allegation of each  
25 and every paragraph in Sections II through XI above as though fully set forth  
26 herein.

27 **////**

1 127. Plaintiff invokes the supplemental jurisdiction of this Court to hear and determine  
2 this claim.

3 128. On the date of PLAINTIFF's arrest, and thereafter, POLICE OFFICER  
4 DEFENDANTS were duty-bound by Penal Code Section 118.1 not to author,  
5 accept or otherwise present, or ratify false or misleading police reports and are  
6 duty-bound by the Fourteenth Amendment of the U.S. Constitution to ensure Due  
7 Process.

8 129. PLAINTIFF is informed and believes and thereon alleges that on, about or after  
9 the date of PLAINTIFF's arrest as indicated in Section III above, and thereafter,  
10 defendants DOES 6 through 10, inclusive, did negligently, and in the absence of  
11 due care, did approve the police reports of POLICE OFFICER DEFENDANTS  
12 and thereby did negligently and carelessly ratify the wrongful and unlawful arrest  
13 and beating of PLAINTIFF by said defendants and thereby also authorized the  
14 bringing of charges against PLAINTIFF as well as his prosecution, conviction and  
15 imprisonment.

16 130. Defendants PARKS and DOES 6 through 10, inclusive, were aware of the custom  
17 and practice of POLICE OFFICER DEFENDANTS of making arrest without  
18 probable cause, the planting and falsification of evidence, the authoring of false  
19 and misleading police reports, the use of excessive force by POLICE OFFICER  
20 DEFENDANTS and the giving of false and perjurious testimony.

21 131. Notwithstanding this knowledge, and in the absence of due care, SUPERVISING  
22 OFFICER DEFENDANTS authorized the false police reports without questioning  
23 POLICE OFFICER DEFENDANTS as to the contents of the report and without  
24 further investigating the veracity of the statements contained therein. Defendants  
25 PARKS and DOES 6 through 10, inclusive, knew or should have known that said  
26 report was false and misleading and that the supporting evidence was false, but  
27 failed to take any reasonable measures to reject the reports and to ensure that said  
28



1 reports were not forwarded to the District Attorney's office for prosecution.

2 132. Defendants CITY OF LOS ANGELES, and SUPERVISING OFFICER  
3 DEFENDANTS are directly liable and responsible for the acts of POLICE  
4 OFFICER DEFENDANTS because SUPERVISING OFFICER DEFENDANTS  
5 failed to adequately supervise, discipline or in any other way control said  
6 defendants' exercise of their authority as described herein.

7 133. Defendants CITY OF LOS ANGELES and SUPERVISING OFFICER  
8 DEFENDANTS are directly liable and responsible for the acts of POLICE  
9 OFFICER DEFENDANTS because said defendant city and supervising officers  
10 repeatedly and knowingly and negligently failed to enforce the laws of the State of  
11 California and the regulations of said defendant City and its police department  
12 regarding the making of arrests in compliance with the Fourth Amendment, the  
13 authoring of police reports which accurately and truthfully represent the facts of an  
14 incident, and the planting of evidence, and the giving of perjurious testimony,  
15 thereby creating within the said police department an atmosphere of lawlessness in  
16 which LAPD officers would make false arrests, plant and manufacture evidence,  
17 author false reports, use excessive force, and give perjurious testimony, in the  
18 belief that such acts will be condoned and justified by their supervisors, and said  
19 defendant city and supervisors therefore were or should have been aware of such  
20 unlawful acts and practices prior to and at the time of the events alleged herein.

21 134. As the actual and proximate result of the acts and omissions of said defendants as  
22 described herein, PLAINTIFF was made to lose his freedom and liberty for the  
23 period stated above in Section III, this in violation of the Fourteenth Amendment's  
24 procedural and substantive due process guarantees. During said incarceration  
25 PLAINTIFF suffered personal and bodily injuries, and during said time he  
26 suffered, and continues to suffer, severe emotional and psychological pain,  
27 suffering, anxiety, depression, anguish, shock, and fear. Further, PLAINTIFF has  
28



1        been made to hire medical specialists for treatment and therapy for his injuries. As  
2        further proximately resulting from said defendants' misconduct, PLAINTIFF has  
3        experienced a significant loss of wages and a significant loss of his ability to  
4        obtain and maintain gainful employment.

5    135. Defendants CITY OF LOS ANGELES and SUPERVISING OFFICER  
6        DEFENDANTS inclusive, also were negligent in failing to provide POLICE  
7        OFFICER DEFENDANTS the proper and special training necessary for the duties  
8        they could foreseeably be expected to perform in the course of their employment  
9        in that POLICE OFFICER DEFENDANTS received inadequate training in the  
10       correct and proper police tactics, arrest procedures, Fourth Amendment search and  
11       seizure requirements and report writing. As a direct and proximate result of this  
12       failure to provide adequate training to, the false arrest, charges and imprisonment  
13       of PLAINTIFF occurred, causing said plaintiff the losses and injuries herein  
14       complained of.

15   136. Defendants CITY OF LOS ANGELES and SUPERVISING OFFICER  
16       DEFENDANTS also negligently hired and retained POLICE OFFICER  
17       DEFENDANTS when it was known or should have been known by defendants  
18       CITY OF LOS ANGELES and SUPERVISING OFFICER DEFENDANTS that  
19       these officers had on prior occasions falsely accused suspects of committing  
20       crimes, planted evidence on said suspects, authored and submitted false reports  
21       regarding said suspects, used excessive force on members of the community,  
22       and/or had participated in the concealment and cover-up of such police  
23       misconduct.

24   137. Further, said defendants failed to conduct adequate, thorough and meaningful  
25       background investigations of POLICE OFFICER DEFENDANTS which would  
26       have disclosed prior acts of misconduct and criminal activity and which would

27    ///



1 have revealed that said defendants were not suitable candidates for service as  
2 police officers.

3 138. As the actual and proximate result of the acts and omissions of said defendants as  
4 described herein, PLAINTIFF was made to lose his freedom and liberty for the  
5 period stated above in Section III, and suffer personal injuries due to the use of  
6 excessive force upon his person, this in violation of the Fourteenth Amendment's  
7 procedural and substantive due process guarantees. During said incarceration  
8 PLAINTIFF suffered personal and bodily injuries, and during said time he  
9 suffered, and continues to suffer, severe emotional and psychological pain,  
10 suffering, anxiety, depression, anguish, shock, and fear. Further, PLAINTIFF has  
11 been made to hire medical specialists for treatment and therapy for his injuries. As  
12 further proximately resulting from said defendants'  
13 misconduct, PLAINTIFF has experienced a significant loss of wages and a  
14 significant loss of his ability to obtain and maintain gainful employment.

15 140. Defendant CITY OF LOS ANGELES is liable in respondeat superior pursuant to  
16 section 815.2 of the California Government Code for the acts of its employees,  
17 agents and representatives as alleged in this cause of action.

18 **XIII.**

19 **TENTH COUNT/CAUSE OF ACTION**

20 **FALSE IMPRISONMENT**

21 **[AS TO DEFENDANT CITY OF LOS ANGELES AND**  
22 **POLICE OFFICER DEFENDANTS, Individually and as**  
23 **Employees of defendant City of Los Angeles]**

24 141. PLAINTIFF repeats, realleges and incorporates each and every allegation of each  
25 and every paragraph in Sections II through XII above as though fully set forth  
26 herein.

27 **////**

1 142. Plaintiff invokes the supplemental jurisdiction of this Court to hear and determine  
2 this claim.

3 143. The tortious and intentional acts of POLICE OFFICER DEFENDANTS above  
4 caused plaintiff to be wrongfully and unjustly imprisoned for the period indicated  
5 in Section III above.

6 144. As the actual and proximate result of the acts and omissions of said defendants as  
7 described herein, PLAINTIFF was made to lose his freedom and liberty for the  
8 period stated above in Section III, this in violation of the Fourteenth Amendment's  
9 procedural and substantive due process guarantees. During said incarceration  
10 PLAINTIFF suffered personal and bodily injuries, and during said time he  
11 suffered, and continues to suffer, severe emotional and psychological pain,  
12 suffering, anxiety, depression, anguish, shock, and fear. Further, PLAINTIFF has  
13 been made to hire medical specialists for treatment and therapy for his injuries. As  
14 further proximately resulting from said defendants' misconduct, PLAINTIFF has  
15 experienced a significant loss of wages and a significant loss of his ability to  
16 obtain and maintain gainful employment.

17 145. The aforementioned acts of said defendants was willful, wanton, malicious and  
18 oppressive, and knowingly done for the purpose of wrongfully imprisoning  
19 plaintiff, thereby justifying the awarding of exemplary and punitive damages as to  
20 these defendants.

21 146. Defendant CITY OF LOS ANGELES is liable in respondeat superior pursuant to  
22 section 815.2 of the California Government Code for the acts of its employees,  
23 agents and representatives as alleged in this cause of action.

24 ///

25 ///

26 ///

27 ///



XIV.

PRAYER


WHEREFORE, PLAINTIFF KELLY CARRINGTON demands the following relief, jointly and severally, against the defendants named in each cause of action as follows:

- a) Compensatory general and special damages in an amount in accordance with proof;
- b) Exemplary damages, against each of the police officer, supervisory and policy maker defendants - as spelled out in each cause of action, in an amount sufficient to deter and to make an example of those defendants,
- c) Reasonable attorneys' fees and expenses of litigation as provided for in 42 U.S.C. §1988;
- d) Costs of suit necessarily incurred herein;
- e) Prejudgment interest, and
- f) Such further relief as the Court deems just or proper.

Dated: August 27, 2001

MORENO, BECERRA, GUERRERO & CASILLAS

By:

  
GREGORY W. MORENO  
FRANK PEREZ  
Attorneys for PLAINTIFF  
KELLY CARRINGTON



**DEMAND FOR JURY TRIAL**

**COME NOW PLAINTIFF KELLY CARRINGTON** and respectfully demands  
that the present matter be set for a jury trial.

Dated: August 27, 2001

MORENO, BECERRA, GUERRERO & CASILLAS

By:

  
  
\_\_\_\_\_  
GREGORY W. MORENO  
FRANK PEREZ  
Attorneys for PLAINTIFF  
KELLY CARRINGTON



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(AJWx),CLOSED,PROTORD

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)  
CIVIL DOCKET FOR CASE #: 2:01-cv-07432-GAF-AJWX**

Kelly Carrington v. Los Angeles City of, et al  
Assigned to: Judge Gary A. Feess  
Referred to: Discovery Andrew J. Wistrich  
Demand: \$5,000,000  
Cause: 42:1983 Civil Rights Act

Date Filed: 08/27/2001  
Date Terminated: 05/04/2005  
Jury Demand: Both  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Kelly Carrington**

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V.

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**Defendant**

**Jeffery Robb**

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**Defendant**

**Dave Vinton**

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**Defendant**

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**Defendant**

**Name Unknown**

*Supervising Officer (#24082)*

**Defendant**

**Robert B Hansohn**

represented by **Paul N Paquette**



*Rampart Division Captain*  
*TERMINATED: 03/26/2003*

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*TERMINATED: 03/26/2003*  
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**Robert Stanford Brown**  
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**Wendy C Shapero**  
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**Defendant**

**Bernard Parks**

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**Defendant**

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**Defendant**

**Gerald L Chaleff**

**Defendant**

**Dean Hansell**

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**Defendant**

**Edith R Perez**

*TERMINATED: 03/26/2003*

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*TERMINATED: 03/26/2003*

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**Defendant**

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**Defendant**

**Art Maddox**

**Defendant**

**Robert Talcott**

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**Defendant**

**Steven Gavin**

**Defendant**

**Maxwell Greenberg**

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**Barbara Lindemann Schlei**

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**Wendy C Shapero**  
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**Defendant**

**Robert Weil**  
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*TERMINATED: 09/05/2002*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert Stanford Brown**  
(See above for address)  
*TERMINATED: 09/05/2002*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Wendy C Shapero**  
(See above for address)  
*TERMINATED: 09/05/2002*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Reva B Tooley**

**Defendant**

**Steven Yslas**

**Defendant**

**Herbert F Boeckmann**  
*TERMINATED: 03/26/2003*

represented by **Paul N Paquette**  
(See above for address)  
*TERMINATED: 03/26/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert Stanford Brown**  
(See above for address)  
*TERMINATED: 03/26/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Wendy C Shapero**  
(See above for address)  
*TERMINATED: 03/26/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*



**Defendant**

**James Hahn**

*TERMINATED: 03/11/2002*

**Defendant**

**Richard Alarcon**

**Defendant**

**Richard Alatorre**

**Defendant**

**Hal Bernson**

*TERMINATED: 03/26/2003*

represented by **Paul N Paquette**

(See above for address)

*TERMINATED: 03/26/2003*

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Robert Stanford Brown**

(See above for address)

*TERMINATED: 03/26/2003*

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Wendy C Shapero**

(See above for address)

*TERMINATED: 03/26/2003*

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Defendant**

**Marvin Braude**

**Defendant**

**Laura Chick**

**Defendant**

**Michael Feuer**

**Defendant**

**Ruth Galanter**

**Defendant**

**Michael Hernandez**

**Defendant**

**Nate Holden**

*TERMINATED: 03/26/2003*

represented by **Paul N Paquette**

(See above for address)

*TERMINATED: 03/26/2003*

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Robert Stanford Brown**

(See above for address)  
*TERMINATED: 03/26/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Cindy Miscikowski**  
*TERMINATED: 03/26/2003*

represented by **Paul N Paquette**  
(See above for address)  
*TERMINATED: 03/26/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert Stanford Brown**  
(See above for address)  
*TERMINATED: 03/26/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Mark Ridley-Thomas**  
*TERMINATED: 03/26/2003*

represented by **Paul N Paquette**  
(See above for address)  
*TERMINATED: 03/26/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert Stanford Brown**  
(See above for address)  
*TERMINATED: 03/26/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Wendy C Shapero**  
(See above for address)  
*TERMINATED: 03/26/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Rudy Svorenich**

**Defendant**

**Joel Wachs**  
*TERMINATED: 03/26/2003*

represented by **Paul N Paquette**  
(See above for address)  
*TERMINATED: 03/26/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert Stanford Brown**  
(See above for address)  
*TERMINATED: 03/26/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*



**Wendy C Shapero**

(See above for address)

TERMINATED: 03/26/2003

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**Defendant****Jackie Goldberg****Defendant****Rita Walters****Defendant****Does***1 through 10, inclusive***Defendant****Rita Russell**represented by **Robert Stanford Brown**

(See above for address)

ATTORNEY TO BE NOTICED

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
08/27/2001	1	COMPLAINT filed Summons(es) issued referred to Discovery Victor B. Kenton (jag) (Entered: 08/29/2001)
08/27/2001	2	CERTIFICATE OF INTERESTED PARTIES filed by plaintiff Kelly Carrington (jag) (Entered: 08/29/2001)
08/27/2001	3	NOTICE by plaintiff Kelly Carrington of related case(s) CV 99-11629 GAF (AJWx) & Other related groups. (kc) (Entered: 09/04/2001)
09/13/2001	<a href="#">4</a>	ORDER TO REASSIGN CASE PURSUANT To Section 5.6 of General Order 224 by Chief US District Judge Terry J. Hatter, Jr. & Judge Lourdes G. Baird , Chair of the Related Case Assignment Committee. Reassigning all related cases commonly referred to as the "Rampart Division Case" to Judge Gary A. Feess to hear all proceedings through pretrial or for as long as the Judge deems appropriate. Any disc matters will be referred to Discovery Andrew J. Wistrich . The case number will now reflect the initials of the transferee Judge [ CV 01-7432 GAF (AJWx)] [ Related Group Ctrl No.: CV 99-11629 GAF (AJWx)] (cc: all counsel) (rn) (Entered: 09/13/2001)
10/03/2001	<a href="#">5</a>	MINUTES: The above-entitled action has been assigned to Judge Gary Allen Feess as a related case to Javier F. Ovando v. City of Los Angeles, et al., CV99-11629-GAF(AJWx), commonly referred to as the "Rampart Division Cases." by Judge Gary A. Feess CR: N/A (bp) (Entered: 10/05/2001)
10/26/2001	<a href="#">6</a>	MINUTES before Judge Gary A. Feess: NOTICE OF CHANGE OF TIME OF STATUS CONFERENCE that the Crt hereby RESCHEDULES the status conference on discovery to 9:30 11/5/01 CR: N/P (Psend) (jp) (Entered: 10/29/2001)
12/06/2001	<a href="#">7</a>	MINUTES: The court convened a status conference in the Rampart-related cases on 12/6/01. Counsel for the City is ordered to review the CD-ROM's containing Rafael Perez' testimony to determine if they have a search capability. The City shall submit a brief report to the Mag Judge nlt 12/21/01. The City shall circulate the proposal to all defense counsel nlt 12/28/01 by Judge Gary A. Feess CR: John Turman (bg) (Entered: 12/12/2001)

12/13/2001	8	NOTICE OF FILING OF ORIG PROOF OF SERVICE executed upon defendant William Williams; Service on 10/10/01 via personal svc by serving S/C to dft (rrey) (Entered: 12/17/2001)
01/15/2002	9	NOTICE OF FILING OF ORIG WAIVER OF SERVICE of SUMMONS by defendants Hal Bernson, Joel Wachs, Herbert F Boeckmann, Maxwell Greenberg, James Hahn, Dean Hansell, Nate Holden, T Warren Jackson, Barbara Lindemann Schlei, Cindy Miscikowski, Bernard Parks, Edith R Perez, Mark Ridley-Thomas, Robert Talcott, Robert Weil, William Williams sent by plf; svc date not specified (rrey) (Entered: 01/18/2002)
02/15/2002	<a href="#">10</a>	MINUTES: The stay on the filing of motions previously ordered by this Crt is PARTIALLY LIFTED in cases on the attached list. In order to allow all ptys now appearing in these cases to fully brief all mtrs, all pending motions in these cases, are hereby DENIED W/OUT PREJ. Defense cnsl are ORDERED to provide plfs w/copies of any previous orders issued by this Crt in other Rampart cases which cnsl believe address the issues they intend to move on. All dfts who have not previously done so, shall answer or otherwise respond to the cmp in this action NLT 3/15/02 by Judge Gary A. Feess; CR: (n/a) (nhac) (Entered: 02/19/2002)
03/04/2002	11	RETURN OF SUMMONS AND PROOF OF SERVICE executed upon defendant Robert B Hansohn; Service by statute not cited on 11/20/01 by serving S/C to Lydia Lana, person authorized to accept service; declaration of diligence; by mail 11/20/01. (bp) (Entered: 03/05/2002)
03/04/2002	11	RETURN OF SUMMONS AND PROOF OF SERVICE executed upon defendant Julian Melendez; Service by statute not cited on 11/29/01 by serving S/C to Cece Paris, person authorized to accept service; declaration of diligence; by mail 11/29/01. (bp) (Entered: 03/05/2002)
03/04/2002	11	RETURN OF SUMMONS AND PROOF OF SERVICE executed upon defendant Dave Vinton; Service by statute not cited on 11/20/01 by serving S/C to Mina Betco, person authorized to accept service; declaration of diligence; by mail 11/20/01. (bp) (Entered: 03/05/2002)
03/11/2002	12	STIPULATION and ORDER that the above-captioned action be and hereby is dismissed without prejudice as to defendant, James Hahn by Judge Gary A. Feess terminating party James Hahn (bp) (Entered: 03/12/2002)
03/15/2002	13	NOTICE OF MOTION AND MOTION by defendants' Los Angeles City Dave Vinton, Robert B Hansohn, Bernard Parks, William Williams, Dean Hansell, Edith R Perez, Warren Jackson, Robert Talcott, Maxwell Greenberg, Barbara Lindemann Schlei, Herbert F Boeckmann, Hal Bernson, Nate Holden, Cindy Miscikowski, Mark Ridley-Thomas, Joel Wachs to dismiss complaint motion hearing set for 9:30 4/5/02 (bp) (Entered: 03/20/2002)
03/15/2002	14	REQUEST by defendants' Los Angeles City, et al., for Judicial Notice re motion to dismiss complaint [13-1] (bp) (Entered: 03/20/2002)
03/15/2002	15	CERTIFICATION OF INTERESTED PARTIES filed by defendants' Los Angeles City, Robert B Hansohn, Bernard Parks, William Williams, Dean Hansell, Edith R Perez, T Warren Jackson, Robert Talcott, Maxwell Greenberg, Barbara Lindemann Schlei, Robert Weil, Herbert F Boeckmann, Hal Bernson, Nate Holden, Cindy Mark Ridley-Thomas, and Joel Wachs (bp) (Entered: 03/21/2002)
04/01/2002	16	OPPOSITION by plaintiff Kelly Carrington to motion to dismiss complaint [13-1] (jp) (Entered: 04/03/2002)
04/08/2002	17	REPLY by defendant Los Angeles City et al, to opposition to motion to dismiss complaint [13-1] (bp) (Entered: 04/09/2002)



04/15/2002	<a href="#"><u>18</u></a>	MINUTES before Judge Gary A. Feess: Dft City of LA & Employees motion to dismiss [13-1]. Mtr called. Cnsl state their appearances for the record. Cnsl argue the motion to the Crt. The mtr is taken under SUBMISSION & the Crt will issued a written Ord. CR: Lisa Gonzalez (jp) (Entered: 04/15/2002)
04/19/2002	<a href="#"><u>19</u></a>	ORDER by Judge Gary A. Feess GRANT in part DENY in part motion to dismiss complaint [13-1]. Plaintiffs malicious prosecution claim is dismissed with prejudice and plaintiff's 42 U.S.C. 1983 excessive force claim is dismissed without prejudice. Plaintiff may file amended complaint restating his excessive force claim not later than Friday, May 10, 2002 (bp) (Entered: 04/23/2002)
05/03/2002	20	ANSWER filed by dfts City of Los Angeles, Hal Bernson, Herbert F Boeckmann, Dean Hansell, Robert B Hansohn, Nate Holden, T Warren Jackson, Cindy Miscikowski, Bernard Parks, Edith R Perez, Mark Ridley-Thomas, David Vinton, Joel Wachs, Willie Williams, Maxwell Greenberg, Barbara Lindemann Schlei, Robert Talcott, Robert Weil to complaint [1-1]; jury demand (nhac) (Entered: 05/06/2002)
05/07/2002	<a href="#"><u>21</u></a>	MINUTES: Magistrate Judge Wistrich is authorized to enter any orders necessary to coordinate and streamline all remaining aspects of discovery and to lift the remaining restrictions on discovery as soon as practicable. Judge Wistrich will review the current status of discovery to determine whether any additional orders are desirable and will advise the parties' steering committees if he wants them to submit proposals regarding the coordination of deposition practice. He will notify all parties as soon as any additional discovery is authorized by Judge Gary A. Feess CR: N/A (bp) (Entered: 05/08/2002)
05/17/2002	<a href="#"><u>22</u></a>	MINUTES: Plaintiff is Ordered to show cause in writing no later than Wednesday, June 5, 2002, why this action should not be dismissed as to defendants, Jeffrey Robb, Gerald Chaleff, Art Maddox, Steven Gavin, Reva Tooley, Steven Yslas, Richard Alarcon, Richard Alatorre, Marvin Braude, Laura Chick, Michael Feuer, Ruth Galanter, Michael Hernandez, Rudy Svornich, Jackie Goldberg and Rita Walters for failure to effect timely service by Judge Gary A. Feess CR: N/A (bp) (Entered: 05/22/2002)
06/05/2002	23	RESPONSE by plaintiff Kelly Carrington to to show cause in writing no later than Wednesday, June 5, 2002, why this action should not be dismissed as to defendants, Jeffrey Robb, Gerald Chaleff, Art Maddox, Steven Gavin, Reva Tooley, Steven Yslas, Richard Alarcon, Richard Alatorre, Marvin Braude, Laura Chick, Michael Feuer, Ruth Galanter, Michael Hernandez, Rudy Svornich, Jackie Goldberg and Rita Walters for failure to effect timely service [22-1], [22-2] (rrey) (Entered: 06/06/2002)
06/14/2002	<a href="#"><u>24</u></a>	MINUTES: The court concludes that a brief extension of time in which to complete service is warranted. Accordingly, plaintiff's request is granted and plaintiff is ordered to complete service on all remaining defendants, including Robb, by Friday, July 12, 2002 by Judge Gary A. Feess CR: N/A (bp) (Entered: 06/18/2002)
07/11/2002	25	RESPONSE by plaintiff Kelly Carrington to OSC re svc [22-1] (rrey) (Entered: 07/12/2002)
07/19/2002	<a href="#"><u>26</u></a>	MINUTES: The court concludes that a second brief extension of time in which to complete service is warranted. Accordingly, the court grants plaintiff's request, and orders plaintiff to complete service on defendant Robb no later than Monday, September 9, 2002 by Judge Gary A. Feess CR: N/A (bp) (Entered: 07/25/2002)
09/05/2002	27	STIPULATION and ORDER that the above-captioned action be and hereby is dismissed without prejudice against the defendants Maxwell Greenberg, Barbara Lindemann, Robert Talcott and Robert Weil by Judge Gary A. Feess terminating party Robert Weil, party Barbara Lindemann Schlei, party Maxwell Greenberg, party Robert Talcott (bp) (Entered: 09/09/2002)

09/09/2002	28	RESPONSE by plaintiff Kelly Carrington to order to show cause in writing no later than Wednesday, June 5, 2002, why this action should not be dismissed as to defendants, Jeffrey Robb, Gerald Chaleff, Art Maddox, Steven Gavin, Reva Tooley, Steven Yslas, Richard Alarcon, Richard Alatorre, Marvin Braude, Laura Chick, Michael Feuer, Ruth Galanter, Michael Hernandez, Rudy Svornich, Jackie Goldberg and Rita Walters for failure to effect timely service [22-1] (rrey) (Entered: 09/10/2002)
10/02/2002	<a href="#">29</a>	MINUTES: The court Orders plaintiff to complete service on defendant Robb no later than Friday, October 18, 2002. Further, with respect to the possibility that defendant Robb is on active duty in the Marine Corps, plaintiff must submit a declaration setting forth all information plaintiff has obtained regarding defendant Robb's military status, and a short memorandum, not to exceed 10 pages, regarding the impact of his military status on the case and whether a stay as to defendant Robb would be appropriate. This written response must be filed no later than Friday, October 18, 2002 by Judge Gary A. Feess CR: N/A (bp) (Entered: 10/03/2002)
10/18/2002	30	RESPONSE by plaintiff Kelly Carrington to order to show cause re service and request for stay of proceedings against defendant [22-1] (jp) (Entered: 10/22/2002)
10/18/2002	30	*****AND REQUEST filed by plaintiff Kelly Carrington for stay proceedings against defendant (jp) (Entered: 10/22/2002)
10/18/2002	31	MEMORANDUM OF POINTS AND AUTHORITIES by plaintiff Kelly Carrington in support of request for stay proceedings against defendant Jeffrey Robb [30-1] (jp) (Entered: 10/22/2002)
10/18/2002	32	NOTICE OF FILING OF ORIGINAL PROOF OF SERVICE executed upon defendant Jeffery Robb; Service by Under CCP 416.90 on 10/1/02 via Mail by serving Summons and Complaint to Jeffrey Robb (jp) (Entered: 10/22/2002)
10/22/2002	<a href="#">33</a>	MINUTES: On October 18, 2002, plaintiff submitted additional documentation confirming that defendant Robb is in fact on active duty in the United States military. Accordingly, pursuant to 50 U.S.C. 510, the action is stayed as to defendant Robb only by Judge Gary A. Feess CR: N/A (bp) (Entered: 10/24/2002)
02/18/2003	<a href="#">34</a>	MINUTES: The parties are ordered to inform the court if any of these parties are erroneously grouped. Plaintiff is required, within 30 days, to show why the court should not dismiss the unserved defendants. Defendants are required, wihtin 30 days, to show why the court should not find the served, unresponsive defendants in default by Judge Gary A. Feess (bp) (Entered: 02/21/2003)
03/11/2003	<a href="#">35</a>	MINUTES: The parties are instructed to review this schedule and submit to the court their proposed schedule of dates. The court would prefer an agreed upon schedule, but is agreement cannot be reached, each party is to submit its proposed schedule. All parties are to respond by providing the court with either a joint or individual list of dates not later than Friday, April 4, 2003 by Judge Gary A. Feess CR: N/A (bp) (Entered: 03/12/2003)
03/21/2003	36	NOTICE by defendant City of Los Angeles of corrected case status in response to OSC dated 2/18/03 (nhac) (Entered: 03/24/2003)
03/26/2003	<a href="#">37</a>	STIPULATION and ORDER by Judge Gary A. Feess, that the above-captioned actin be and hereby is dismissed, without prejudice, against the following defendants' party Joel Wachs, party Mark Ridley-Thomas, party Cindy Miscikowski, party Nate Holden, party Hal Bernson, party Herbert F Boeckmann, party T Warren Jackson, party Edith R Perez, party Dean Hansell, party William Williams, party Robert B Hansohn (bp) (Entered: 03/28/2003)
04/03/2003	38	JOINT REPORT OF COUNSEL Pursuant to FRCP 26(f) filed; Schedule of dates related



		to trial pursuant to court order; Plaintiff estimates a one-week trial re liability and damages; Plaintiff represents that if the Monell issues are reached, this may extend this time schedule significantly; Defendants estimate a four to five day incident specific liability trial and an additional 10 days of trial should the Monell issues be reached (nhac) (Entered: 04/04/2003)
04/15/2003	39	SUPPLEMENT by defendants City of Los Angeles, Bernard Parks, Dave Vinton to defendants' notice of corrected case status in response to OSC dated 2/18/03 [36-1] (nhac) (Entered: 04/16/2003)
07/03/2003	<a href="#">40</a>	SCHEDULING AND CASE MANAGEMENT ORDER by Judge Gary A. Feess discovery ddl set on 4/5/04; last date to amend pleadings or add parties 12/15/02; last day for hearing motions 4/12/04; last date to conduct settlement conference 4/19/04; lodge pretrial conference order 5/3/04; Final Pretrial Conference set for 3:00 5/17/04; jury trial set on 8:30 6/15/04 (bp) (Entered: 07/07/2003)
08/20/2003	<a href="#">41</a>	REQUEST FOR ENTRY OF PROTECTIVE ORDER; PROTECTIVE ORDER; EXHIBIT "1" by Discovery Andrew J. Wistrich (see document for further details). (jp) (Entered: 08/21/2003)
10/21/2003	42	JOINT RULE 26 DISCOVERY PLAN filed; est length of trial 15-days (bp) (Entered: 10/22/2003)
03/24/2004	44	EX PARTE APPLICATION for Leave to take plaintiff Kelly Carrington's deposition filed by defendants' Los Angeles City of, Bernard Parks, Dave Vinton. Lodged proposed order. (bp, ) (Entered: 03/31/2004)
03/25/2004	<a href="#">43</a>	ORDER PERMITTING THE DEPOSITION of Kelly Carrington by Judge Gary A. Feess: Defendant's Ex Parte Application to take the deposition of Kelly Carrington is hereby GRANTED. Said deposition shall take place on April 5, 2004 for seven (7) hours or until each defendant has fairly examined him, at his present location. The deposition shall be recorded by visual, sound and stenographic means and shall take place at Terminal Island Federal Correctional Institute in San Pedro, CA. or wherever he is incarcerated at the time of the deposition.(yl, ) (Entered: 03/29/2004)
04/06/2004	45	ANSWER to Complaint - (Discovery) 1 with Jury Demand filed by defendants Rita Russell, Julian Melendez.(bp, ) (Entered: 04/07/2004)
04/06/2004	46	CERTIFICATION of Interested Parties filed by Defendants Julian Melendez, Rita Russell. (bp, ) (Entered: 04/07/2004)
04/30/2004		PLACED IN FILE - NOT USED re Stipulation to continue trial date submitted by Plaintiff, Kelly Carrington. (shb, ) (Entered: 05/11/2004)
05/05/2004	47	STIPULATION TO CONTINUE TRIAL DATE AND ORDER by Judge Gary A. Feess,Good cause appearing, It is hereby ordered that the trial date and other dates currently are continued as follows: Hearing on Motions in Limine to be filed by 10/26/2004. Lodged Pretrial Order due by 9/20/2004. Last date to conduct mandatory settlement conference is 8/1/2004. Final Pretrial Conference set for 10/4/2004 03:00 PM before Honorable Gary A. Feess. Jury Trial set for 11/2/2004 08:30 AM before Honorable Gary A. Feess.(shb, ) (Entered: 05/17/2004)
06/03/2004	48	NOTICE: Please be advised that attorney Frank Perez has left his employment with the law firm of Moreno, Becerra, Guerrero and Casillas, attorneys of record for plaintiff Kelly Carrington and is no longer involved in the prosecution of this matter filed by plaintiff Kelly Carrington. (bp, ) (Entered: 06/07/2004)
09/21/2004	49	STIPULATION AND ORDER by Judge Gary A. Feess :Hearing on Motions in Limine 4/26/2005. Proposed Pretrial Order due by 3/31/2005. Last date to conduct settlement

		conference is 2/28/2005. Jury Trial set for 5/3/2005 08:30 AM before Honorable Gary A. Feess. Pretrial Conference set for 4/4/2005 03:00 PM before Honorable Gary A. Feess.(bp, ) (Entered: 09/23/2004)
01/26/2005	50	NOTICE of pending Settlement filed by plaintiff Kelly Carrington. (yc, ) (Entered: 01/31/2005)
05/04/2005	<a href="#">51</a>	STIPULATION AND ORDER by Judge Gary A. Feess : The actio be and hereby is dismissed with prejudice. against the defendants., (Made JS-6. Case Terminated.)(yc, ) (Entered: 05/06/2005)

PACER Service Center			
Transaction Receipt			
06/10/2022 14:13:23			
<b>PACER Login:</b>	fpdcac0087	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:01-cv-07432-GAF-AJWX End date: 6/10/2022
<b>Billable Pages:</b>	12	<b>Cost:</b>	1.20
<b>Exempt flag:</b>	Exempt	<b>Exempt reason:</b>	Always



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 Los Angeles, CA 90024  
 (310) 234-9575

Attorney for Plaintiff,  
 ALBERT RODRIGUEZ

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

ALBERT RODRIGUEZ

Plaintiff,

vs.

CITY OF LOS ANGELES, a  
 Municipal Corporation; DAVID  
 VINTON; SCOTT VOELTZ,

Defendants

CASE NO.: CV

CIVIL RIGHTS COMPLAINT PURSUANT

TO

1. 42 U.S.C., Section 1983

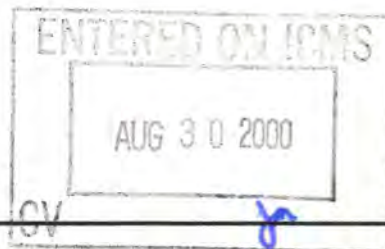
2. Bivens v. Six Unknown

Agents, 403 U.S. 388 (1971)

PRELIMINARY ALLEGATIONS

Plaintiff alleges:

1. At the time of the accident described herein, Plaintiff, ALBERT RODRIGUEZ, was an individual residing in the State of California, County of Los Angeles. Plaintiff, ALBERT RODRIGUEZ, will hereinafter be referred to as "RODRIGUEZ".



CIVIL RIGHTS COMPLAINT

FILED  
 AUG 28 3 51 PM '00  
 U.S. DISTRICT COURT  
 CENTRAL DISTRICT OF CALIF.

00-09218 ABC (CWx)

2. Defendant, CITY OF LOS ANGELES, a Municipal Corporation, is a municipal corporation authorized to do business in the County of Los Angeles, State of California.
3. At all times herein mentioned, Defendant, DAVID VINTON, was an officer with the Los Angeles Police Department, serial number 31085, and will hereinafter be referred to as ``VINTON''.
4. At all times mentioned herein, Defendant, SCOTT VOELTZ, was an officer with the Los Angeles police Department, serial number 33292, and will hereinafter be referred to as ``VOELTZ''.
5. At all times herein mentioned, Defendants VINTON and VOELTZ and DOES 1 through 10, were police officers employed with the Los Angeles Police Department, Rampart Division and arrested Plaintiff on August 26, 1998 near Third Street and Bonnie Brae in the City of Los Angeles, County of Los Angeles, and while doing so, violated Plaintiff's civil rights. Both Defendants VINTON AND VOELTZ are being sued as individuals and in their individual capacities.
6. At all times herein mentioned, each defendant acted as agents, servants and employees of every other defendant herein and was at all times acting within the course and scope of said employment and agency, and each defendant has ratified and approved the acts of his or her co-defendants.

**FIRST CAUSE OF ACTION**  
**UNDER 42 U.S.C., SECTION 1983**



1 7. Plaintiff refers to paragraphs 1 through 6 above and by  
2 this reference incorporates them herein as though set forth  
3 in full.

4 8. On or about August 26, 1998, defendants VINTON and VOELTZ  
5 violated Plaintiff's civil rights by arresting Plaintiff  
6 without probable cause, violently assaulted and battered  
7 Plaintiff during said arrest, 'planted' contraband in the  
8 vicinity of Plaintiff so that it would appear that  
9 Plaintiff was in possession of said contraband when in fact  
10 he was not, wrote false police reports and submitted them  
11 to the Los Angeles District Attorney's Office, and  
12 committed other and further acts in furtherance of their  
13 objective to have Plaintiff wrongfully convicted and  
14 punished for a crime that Plaintiff did not commit.  
15 Plaintiff also alleges that one of the motivating factors  
16 for the wrongful conduct of Defendants VINTON and VOELTZ is  
17 that Plaintiff is an Hispanic-American and that Defendants  
18 VINTON and VOELTZ discriminated against Plaintiff because  
19 of his race.

20 9. At no time did Plaintiff consent to any of the acts of  
21 Defendants alleged in this complaint.

22 10. As a direct and proximate result of the aforesaid wrongful  
23 acts, omissions and conduct of defendants, and each of  
24 them, plaintiff has sustained and in the future will  
25 sustain the following injuries and damages, in the sums to  
26 be specified according to law.

- 1 a) General damages for both physical and psychological  
2 injuries, including wrongful imprisonment;  
3 b) Special damages for medical, x-ray, sundry and  
4 miscellaneous expenses in the examination, care and  
5 treatment of plaintiff's injuries, the exact nature and  
6 extent of which are unknown at this time.  
7 c) Loss of income and earnings and income and earning  
8 capacity.  
9 d) Attorney fees incurred for the defense of Plaintiff's  
10 criminal case and attorney fees for the prosecution of  
11 this action.  
12 11. The aforementioned conduct of Defendants was willful,  
13 despicable, intentional and malicious and was intended to  
14 cause injury to Plaintiff. Plaintiff is therefore  
15 entitled to an award of exemplary and punitive damages.  
16 12. Plaintiff hereby demands a trial by jury.

17  
18 **SECOND CAUSE OF ACTION**

19 **UNDER BIVENS v. SIX UNKNOWN AGENTS, 403 U.S. 388 (1971)**

20  
21 13. Plaintiff refers to paragraphs 1 through 12 above and  
22 by this reference incorporate them herein as though set forth in  
23 full.

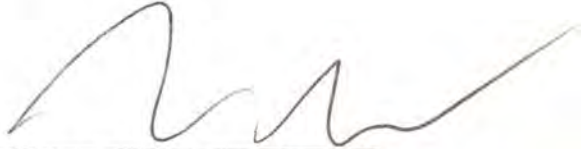
24  
25 WHEREFORE, Plaintiff prays judgment on both causes of action  
26 against Defendants as follows:  
27  
28



1 For all Causes of Action:

- 2 a) For general and special damages in the amount of  
3 \$200,000.00;  
4 b) For Attorney fees in the amount of \$50,000.00;  
5 c) For exemplary and punitive damages in the amount of  
6 \$500,000.00;  
7 d) For interest as allowed by law;  
8 e) For costs of suit incurred herein, and;  
9 f) For such other and further relief as the court may deem  
10 proper.  
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13 DATED: August 26, 2000

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16 LAWRENCE E. GREENBAUM  
17 Attorney for Plaintiff,  
18 ALBERT RODRIGUEZ  
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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)  
CIVIL DOCKET FOR CASE #: 2:00-cv-09218-GAF-AJWX**

Albert Rodriguez v. Los Angeles City of, et al  
Assigned to: Judge Gary A. Feess  
Referred to: Discovery Andrew J. Wistrich  
Demand: \$750,000  
Cause: 42:1983 Civil Rights Act

Date Filed: 08/28/2000  
Date Terminated: 12/19/2000  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff****Albert Rodriguez**

represented by **Lawrence Edmond Greenbaum**  
Lawrence E Greenbaum Law Offices  
16501 Ventura Boulevard Suite 400  
Encino, CA 91436  
747-233-3707  
Fax: 747-233-3708  
Email: greenbaumlw@gmail.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**City of Los Angeles**  
*a Municipal Corporation*

**Defendant****David Vinton****Defendant****Scott Voeltz**

Date Filed	#	Docket Text
08/28/2000	1	COMPLAINT filed Summons(es) issued referred to Discovery Carla M. Woehrle (jag) (Entered: 08/30/2000)
08/28/2000	2	NOTICE OF INTERESTED PARTIES filed by plaintiff Albert Rodriguez (jag) (Entered: 08/30/2000)
09/07/2000	<a href="#">3</a>	ORDER TO REASSIGN CASE PURSUANT To Section 5.1/5.6 of General Order 224 by Chief US District Judge Terry J. Hatter, Jr. & Judge Lourdes G. Baird , Chair of the Related Case Assignment Committee. Reassigning all related cases commonly referred to as the "Rampart Division Cases" to Judge Gary A. Feess to hear all proceedings through pretrial or for as long as the Judge deems appropriate. Any disc matters will be referred to Discovery Andrew J. Wistrich . The case number will now reflect the initials of the



		transferee Judge [ CV 00-9218 GAF (AJWx)] [ Related Group Ctrl No.: CV 99-11629 GAF (AJWx)] (cc: all counsel) (rn) (Entered: 09/08/2000)
09/11/2000	<a href="#">4</a>	MINUTES: (IN CHAMBERS): Cnsl having previously rcvd the Crts Ord to reassign case purs to Section 5.6 of Gen Ord 224, all pending "Rampart Division Cases" not previously stayed heretofore are stayed until advised to the contrary by Judge Gary A. Feess CR: Not Present (rrey) (Entered: 09/12/2000)
09/12/2000	<a href="#">5</a>	MINUTES: In chambers: attach hereto is list of cases reassigned to this crt; ORD LA City atty to provide crt w/info re req identification re Rampart cases (see doc for specifics); City atty resp to be fld & srv on all ptys in ea of listed case nlt 9/29/00 by Judge Gary A. Feess CR: none (lc) (Entered: 09/13/2000)
09/24/2000	<a href="#">6</a>	MINUTES: (IN CHAMBERS) From this point forward, in each case in which dft City of Los Angeles arranges for the retention of sep cnsl for individual police officers, the City Attys Ofc is to notify the Crt forthwith; the info is to be provided to the Crt in pleading format NLT 10/6/00 IT IS SO ORD by Judge Gary A. Feess CR: Not Present (rrey) (Entered: 09/25/2000)
09/27/2000	<a href="#">8</a>	MINUTES: (In Chambers) re plf Raul Rodriguez Jrs req to the Crt to lift its stay for the purpose of permitting him to move for P/I; The Crt believes that such actn would be ill-advised; Acc, the Crt declines, at this time, to lift its stay (see doc for fur details) IT IS SO ORD by Judge Gary A. Feess CR: None (rrey) (Entered: 10/04/2000)
09/29/2000	7	RESPONSE by defendants to Crts 9/12/00 MO [5-1] ; attachment 1 (rrey) (Entered: 10/02/2000)
10/04/2000	<a href="#">9</a>	NOTICE TO COUNSEL re dispute resolution procedure by Judge Gary A. Feess (see doc for fur details) (rrey) (Entered: 10/05/2000)
10/06/2000	<a href="#">10</a>	MINUTES: (IN CHAMBERS) Attch is the list of retired judges inadvertently omitted from the prev fld Ntc to Cnsl Re Disputed Resolution Proc which was disseminated by the Crt on 10/4/00 by Judge Gary A. Feess CR: NOT PRESENT (PSEND) (ir) (Entered: 10/10/2000)
10/19/2000	<a href="#">11</a>	ORDER by Judge Gary A. Feess re ntc of cnsl. It has come to the crt's attention that there may be some attys who are involved in the Rampart related litigation who may be unaware that Judge Feess is married to a Deputy Dist atty working in the LA Cnty Dist atty offices. The crt does not believe that this requires self-recusal and the crt declines to take such actn. Any party who disagrees and believes that this is grounds for recusal shld make an appropriate mot at the earliest possible date. (SEE DOC FOR FURTHER ORDER) (ENTER 10/20/00) (yc) (Entered: 10/20/2000)
10/23/2000	<a href="#">12</a>	ORDER by Judge Gary A. Feess partially lifting stay of proceedings to permit plf to complete the svc of S/C on all dfts (rrey) (Entered: 10/24/2000)
10/26/2000	<a href="#">14</a>	GENERAL NOTICE OF STATUS CONFERENCE by Judge Dickran Tevrizian status conf set on 9:00 12/11/00 (rrey) (Entered: 10/30/2000)
10/27/2000	<a href="#">13</a>	ORDER RE: EX PARTE APPLICATION TO LIFT STAY by Judge Gary A. Feess. ACCORDINGLY, IT IS HEREBY ORDERED AS FOLLOWS: The ex parte appl to lift the stay to permit a mot for class certification is DENIED; The ex parte appl to lift the stay to permit the issuance of such subpoenas as are necessary to obtain the testimony & stmts of Rafael Perez is GRANTED w/ respect to all ptys in all "Rampart" cases; The clerk of crt is to serve a copy of this ord on all ptys in all cases presently assigned to Judge Feess as a "Rampart" related case. (mch) (Entered: 10/27/2000)
11/01/2000	<a href="#">15</a>	ORDER re: Class Action Allegations-Non Monell Claims by Judge Gary A. Feess. If any pla is seeking to pursue the claims against the individual dft officers by way of class actn,

		each and every such pla is to give notice to the crt of such intent on or bef 11/20/00, and to submit with such ntc a memo of points & authorities, not to exceed 10 pages, setting forth their class actn theory and the authority supporting their right to proceed under such theory (see doc for details) (bp) (Entered: 11/02/2000)
12/08/2000	<a href="#">16</a>	MINUTES before Judge Gary A. Feess: That the current status of this actn is as fols: Operative Cmp: Complaint; Answers Fld by: None; Dfts Srvd, Mot to dismiss pending: None; Other Srvd Dfts: None; Other pending mots: None. This Ord not affect the stay that is currently in plac & no resps/mots will be accepted at this time. However, if any of the aboe information is incorrect, cnsl are to subm a Notice of Corrected Case Status immediately. CR: N/P (Psend) (jp) (Entered: 12/11/2000)
12/11/2000	17	MINUTES: status conference re: altnerate dispute resolution Crt and cnsl agree to assignment of mediators as noted on the recorder's notes by Judge Dickran Tevrizian CR: Cynthia Mizell (bp) (Entered: 12/13/2000)
12/19/2000	<a href="#">18</a>	NOTICE OF DISMISSAL OF ACTION w/out prej by plaintiff Albert Rodriguez pursuant to FRCP 41a(1) (MD JS-6) (ENT 12/21/00) (rrey) (Entered: 12/21/2000)
02/05/2001	<a href="#">19</a>	ORDER permitting dfts to fi mots for s/adjudication of section 1983 claims by Judge Gary A. Feess. All mots must be fi by 2/16/01. opps to such mots must be fi nlt 3/2/01. dfts may fi reply briefs on or befr 3/12/01. the crt will conduct a hrg on such mots on 3/19/01 @ 9:30 am (bg) (Entered: 02/06/2001)
02/06/2001	<a href="#">20</a>	MINUTES before Judge Gary A. Feess: The Crt now partially lifts that stay to permit any dft claiming ABSOLUTE IMMUNITY from liability for damages and/or injunctive relief to move to dismiss on that groun according to the fol sched: All mots directed to this issue must be fld by 2/26/01; Opps to mots shall be fld NLT 3/12/01; Dfts may fiel Reply briefs on/before 3/19/01. Any mots will hear arg on 3/26/01 @ 9:30; The Crt FUR ORDS that any dft-other police officer dfts of any rank - who clms QUALIFIED IMMUNITY FORM SUIT must present that issue to the Crt by way of a mot to dismiss on the fol sched: any such mot shall be fld NLT 3/5/01; Opp to such mots shall be NLT 3/19/01; Reply brief are to be fld NLT 3/26/01. Any mots will hear arg on 4/2/01 @ 9:30 CR: N/P (Send) (jp) (Entered: 02/06/2001)
06/14/2001	21	RECEIPT OF TRANSCRIPT of proceedings for the following date(s): 12/11/00 CR: Cynthia Mizell (CV 00-11775) (dlu) (Entered: 06/15/2001)

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